

building there."? A Yes, sir.

Q "Q What is his name? A Tom Foster, he was running an elevator."? A Yes, sir.

Q "Q Then you didn't make up your mind to kill her until this morning, did you? A Not until this morning."? A Yes, sir.

Q "Q When you heard about the party? A Yes."? A Yes, sir.

Q "Q In other words, you expected her to come up and see you tonight? A I did, yes."? A Yes, sir.

Q "Q And then when you heard this morning about the party that she gave last night, then you made up your mind you were going to kill her? A That just disgusted me, yes, sir."? A Yes, sir.

Q "Q Did Foster say he had been at the party? A He did not, no. But his wife's sister was there. They got an invitation to the party, and that leads me to believe they was giving the party the same as they give it down in 61st street, at the reunion, don't you understand."? A Yes, sir.

Q "Q Did you have anything to drink today? A I did, yes."? A Yes, sir.

Q "Q How much did you have to drink? A I must have had about" -- what is that next word? A Ten.

Q "About ten Old Crows. That's before the accident."? A Yes, sir.

Q ~~xx~~ "About ten Old Crows", is that right? A Yes, sir, that is right.

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Q "That's before the accident. Q Where did you get the first one? A The first Old Crow I got -- I got it right off -- no, I'll get it right -- it's across from Greenberger's, or some place near 98th street, between 98th and 99th, on the up-town side."? A Yes, sir.

Q "Q That is after you left your place and gave up your job? A That's it."? A Yes, sir.

Q "Q Went out to get a little whiskey in you to get your nerve up, is that right? A Well, not only that. I wanted some whiskey anyway. It wasn't to get the nerve up. The nerve was already there."? A That is right.

Q "Q You had your mind all made up to do it, then? A To do it."? A Yes, sir.

Q -And you wanted the whiskey anyway? A I had to have the whiskey."? A Yes, sir.

Q Did you get any whiskey after you came back from Jersey? A From Jersey? I did."? A Yes, sir.

Q "Q Where? A I stopped at 63rd street. I made a mistake -- was it 63rd?-- yes, it was 63rd street, there on Tenth avenue, or whatever you call it, Amsterdam. Where it's cut off. Goes over to get another old crow?"? A Yes, sir. .

Q And did Officers Lagrenne and Geary enter the room at this point? A They did.

Q "Q You say you had ten all together? A I had ten, yes."? A Yes, sir.

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Q "Q How did they affect you? A Well, I had still -- I still had my right mind. I wasn't doing anything out of the ordinary."? A Yes, sir.

Q "Q You knew what you were going to do and it didn't change your mind any by having the whiskey? AA I did. Whiskey ain't going to change it at all when I got it made up."?

A Yes, sir.

Q "Q It didn't make you change your mind at all? A No, sir."? A Yes, sir.

Q "Q Have you ever before been arrested and convicted of a crime? A Never."? A Yes, sir.

Q "Q Did you walk up from 63rd street or come up in a car? A I walked up."? A Yes, sir.

Q "Q Walked up Amsterdam avenue and came through 71st, is that right? A That's it."? A Yes, sir.

Q "Q Well, is there anything more you want to say to me? A No, sir, that's all. I didn't care to say that, because I don't care what you do. I am ready to die so it doesn't matter to me."? A Yes, sir.

Q "Q That's the gun, isn't it (showing U. S. Revolver, .38 calibre, blued steel, top ejection, five cylinder, No. 66755, with a price tag marked '4.50' on it)? A That's it."? A Yes, sir.

Q Do you remember seeing that tag on the revolver, Mr. Birchall? A I do, yes.

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Q "Q And that price tag that is on it, is that the price that you paid for it, \$4.50? A \$4.50, that's it."? A Yes, sir.

Q "Q Did you have to pay anything extra for the bullets?
A I did."? A Yes, sir.

Q "Q How much? A 2 cents a piece."? A Yes, sir.

Q "Q Then you paid \$4.60 all together? A \$4.60, that's right."? A Yes, sir.

Q "Q Did you get any money when you were laid off today?
A I wasn't laid off. I asked off. I told the man what had happened. 'I give up, I am ready to leave the city,' I told him, 'I am going to leave the city.' He asked, 'What's the trouble?', he hated to see me go, and I says, 'Well, I had a little family affairs, and I have to leave the city or I will kill somebody.' I was ready to do the crime then, but I said that because I was afraid he wouldn't pay me. That's why I said it."? A Yes, sir.

Q "Q Did you have any money until he paid you? A I did not."? A Yes, sir.

Q "Q How much did he pay you? A It was \$9.32 all together, but I owed him two, so it would make it \$7.32 I got all together."? A Yes, sir.

Q "Q How much money have you got in your pocket now?
A I don't know. You can go through it if you like."? A Yes, sir.

Q "Q Just look and see. A I may find it in all pockets,

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because I was really crazy this morning."? A Yes, sir.

Q Did the defendant then search his pockets? A He did.

Q "The Defendant: That's all (spreading out money on table, five quarters, two nickels and a dime.)". Did you note that?

A I did.

Q "Q \$1.45, is that right? A That's it."? A Yes, sir.

Q Now, the examination began at 3 and it terminated at 3:30? A It did.

MR. ARANOW: At this time, if the Court pleases, I would like to have it recorded that during the entire examination the Assistant District Attorney was reading from a paper which he had formerly offered in evidence and which was rejected by the Court upon my objection, that the District Attorney read the questions from that paper, facing the jurors, not the witness --

MR. WELLMAN: That is not the fact. I object to that going on the record. That is frivolous, your Honor.

THE COURT: The Assistant District Attorney was facing the witness, as I saw it. I think you are mistaken in saying that he was not facing the witness.

MR. ARANOW: At times he was facing the witness.

MR. WELLMAN: I am now.

MR. ARANOW: But most of the time he was facing the jurors.

MR. WELLMAN: And I was reading it for them to hear.

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The witness heard it too.

MR. ARANOW: May I add to my objection that at most of the times the witness answered "Yes, sir" to the questions given, with the exception of the few corrections he made, and I take exception to all of the reading.

THE COURT: The witness was asked a series of questions by the Assistant District Attorney, and the witness was looking at a memorandum which, as I understand, he has testified was made by him at the time, and which he says was correct to his knowledge at the time when made. I understand him to say that that memorandum now refreshes his recollection, and that he is now testifying from his refreshed recollection. Is there any cross examination of the witness?

MR. ARANOW: Yes, sir.

CROSS EXAMINATION BY MR. ARANOW:

Q When did you first arrive at the station house? A Probably fifteen or twenty minutes before we examined the defendant.

Q You came up there with Mr. Murphy? A We came over from the scene of the crime, yes, sir.

Q With Mr. Murphy? A Yes, sir.

Q When you first walked into the station house, that is, where the desk is, you had a conversation with the sergeant, or some one at the desk, the lieutenant? A I do not remember any conversation, no, sir.

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Q Where did you go after you entered the first room?

A We went into the captain's office.

Q And who was there? A Why, when we went in nobody was there.

Q Who went in with you? A Mr. Murphy and myself went in.

Q How long did you remain there? A Remained there during the entire time.

Q Who came in after you -- Mr. Murphy came in first? A I don't know which of us went in first; we went in about together.

Q Together. Who came in after you and Mr. Murphy? A I believe Officer Leonard brought one of the witnesses in.

Q Some other witness in particular? A Yes, sir.

Q Who was examined? A He was.

Q And you took down the minutes? A Yes, sir.

Q What was the name of that witness? A I would have to refer to my notes.

Q Can you remember without that? A I cannot remember the name of the witness, no, sir.

Q What sort of a looking man was it? A Why, we examined three or four that day.

Q What sort of a looking man was he? A I cannot tell you what sort of looking men they were. One was a negro, I know, and one was a Jewish fellow.

Q Which one was that first one, the Jewish or the negro?
A I cannot tell you unless I look that up.

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Q Did he have long hair or short hair? A I do not know.

Q Was he clean shaven or did he have a moustache? A Which one are you talking about?

Q I am talking about the first one. A I do not know which one was first.

Q Now, you are a stenographer how long? A About ten years.

Q And when you transcribe your minutes you have got your eyes riveted on your notes, haven't you? A When I transcribe my minutes?

Q Yes. A When I transcribe them I have got them mostly on the typewriter.

Q Suppose you start to transcribe minutes now --

MR. WELLMAN: He means when you are taking down notes.

Q When you are taking down your notes -- A Oh, when I am writing them?

Q You look at your notes all the time, just the same as this man is doing here, don't you? A I know, but when a witness is making a gesture, I try to follow his gesture.

Q Once in a while they call your attention to it and you look? A Whenever they call my attention to it I note it down in my record as having been called to my attention.

Q During all this examination were you able to observe the defendant? A I observed him when they sat down and when --

Q Did you observe him during the examination? A During the examination I glanced at him.

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Q Did you look at him just the way I am looking at Mr. Foreman now? A I simply glanced at him.

Q Did you look at him the way I am looking at him now?
A No, not as sharply.

Q You just glanced at him? A Except when he made a gesture, for instance, when he counted the money I looked at him quite steadily.

Q Did you see how he did when he said he was almost crazy that morning? A I do not think he did anything, I did not see him do anything.

MR. WELLMAN: He said, "I was really crazy this morning."

THE WITNESS: I did not see any gesture at that time.

Q You did not see him move his head? A No, sir.

Q Did you see him move a finger? A I did not notice.

Q Do you want this jury to believe that he sat there absolutely --

MR. WELLMAN: I object to the form of the question.

THE COURT: Sustained.

gpk
Q Do you want to tell this jury that this man sat there all the time and did not move a muscle? A I do not know whether he was moving his muscles or not. He did not move them to any appreciable extent, or I would have noted it.

Q You did not see it? A I did not see him move his muscles to any appreciable extent, no, sir.

Q Did you see him move them to any extent? A I did not

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notice it. If he did, it was so slight I could not notice it.

Q In other words, you are trying to excuse your not seeing it? A No, sir, it is not part of my business to see it.

Q That is exactly what I am trying to bring out, it was not part of your business to see it. A Unless it was some marked gesture which I could record in my notes.

Q But yet you are willing to testify in this court that this man acted naturally? A I certainly am, I could tell from his talk. Although you had your eyes on your minutes just the same as this man ^{has} his eyes on his minutes? A I heard his talking, and I saw him on several occasions, for instance, when he counted out his money, and other things like that.

Q You heard this man say that he had ten Old Crow whiskeys? A I did.

Q You believe the man told the truth about the ten, do you? A I know nothing about whether he told the truth or not.

Q Can you tell how the defendant was dressed, what kind of a shirt he had on that morning? A No, sir.

Q Or what kind of a tie? A I do not remember.

Q And yet you want to tell this jury that you observed this man and this man acted naturally, to you? A Yes, sir.

MR. ARANOW: That is all.

RE-DIRECT EXAMINATION BY MR. WELLMAN:

Q Did he answer the questions freely? A He did.

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MR. WELLMAN: That is all.

RE-CROSS EXAMINATION BY MR. ARANOW:

Q And after that first witness was excused, who was the second witness? A I am not sure, but I believe the second witness was the negro elevator man from across the street. He may not have been the second, he may have been the third, or the first.

Q Who came before this defendant?

MR. WELLMAN: I object to this as immaterial.

THE COURT: I will allow it.

Q Who was the witness before this defendant? A I am quite sure that it was the young man that was employed by a butcher in the neighborhood, I do not remember his name.

Q Did you note his statements? A Yes, sir.

Q And after this boy -- where is this boy, what is his name?

A I do not remember his name, I do not know where he is.

Q You took his testimony. A I can look it up.

Q Please give it to me.

MR. WELLMAN: It is immaterial; I object to that. I cannot see any bearing --

THE COURT: I am allowing it as testing his recollection.

Q What is his name?

MR. WELLMAN: Your Honor, how can it test his recollection, I submit, to look at his note book?

THE COURT: It does not.

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MR. WELLMAN: Then I object to the question on the ground that it is no test of his recollection.

THE COURT: I will sustain the objection.

MR. ARANOW: I respectfully except.

Q Do you know the name of the boy that appeared as a witness before this defendant was called in that room? A I do not, no, sir.

Q Can you, by refreshing your memory from that book, that you have in your hand, tell me the name of the boy that appeared as a witness there before this defendant was called in? A I can, yes, sir.

Q Will you please do so?

MR. WELLMAN: That is the same question. The same objection.

THE COURT: I will sustain the objection. I do not think it is material.

MR. ARANOW: I respectfully except.

Q How many witnesses in all did you have that day? A I think there were three.

Q And when this boy went out, who brought in the defendant, if anyone? A I believe it was Officer Leonard, but I would not swear to it.

Q Well, your recollection is not very clear on that?

A No, sir, it is not.

Q Now, the captain's office is there on the side, is that

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right? A Yes, sir.

Q Away over at this side there is a desk (indicating)?

A There is a desk over there, yes, sir.

Q Where did you sit? A We sat at a table.

Q That table is against the wall, is it? A It is about in the centre of the room.

Q And you were facing which way? A I had my back to the door.

Q Back to the door facing toward 67th street? A No, I would be facing towards Broadway.

Q Facing towards Broadway. And when the defendant first came in the room -- when did you first see him? A As soon as he came in.

Q As soon as he came in the door? A Yes, sir.

Q Did you turn around? A I did.

Q And you saw him walk? A Yes, sir.

Q What did he say when he walked in? A He was told to sit down, and he sat down.

Q Who told him that? A I think Mr. Murphy told him to sit down.

Q And what did the defendant say to that? A He did not say anything, he just sat down.

Q Did you take that down? A No, sir.

Q Did Officer Leonard say anything? A Nothing that I heard, no, sir.

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Q Nothing that you heard? A He did not say anything.

Q What do you mean by nothing that you heard? A Well, he didn't say anything; I would have heard it if he had said anything.

Q Did the other officer in uniform say anything? A I do not think there was any uniformed officer in the room.

Q How many people were there in that room? A There were four, including the defendant, at the beginning of the examination.

Q And before the defendant sat down was anything said by anybody? A Nothing about the case. There might have been some conversation, I do not remember.

Q About what? A I do not remember what it was.

Q There was some conversation? A I am not even sure that there was; there might have been.

Q Well, can you recall any? A No, sir.

Q There might have been conversation about some other matter?
A Yes, sir.

Q And yet you were all there to investigate a very important murder? A Yes, sir.

Q Isn't it a fact that when Detective Leonard brought in this defendant, he was talking to him as he walked in? A Not according to my recollection, no, sir.

Q You say not according to your recollection, do you mean that your recollection may vary with the facts? A It may;

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I may not remember it.

Q And after the defendant sat down, did any of the four persons say a word? A Not until Mr. Murphy began the examination.

Q And then afterwards did they say anything? A They did not.

Q Did anybody say any word in the room excepting Mr. Murphy and this defendant? A No, sir, Mr. Murphy always gives orders to that effect.

Q No, I do not care about always. Did he that day? A He did.

Q Were you in the court room here when this officer testified before? A No, sir.

Q Officer Leonard testified that he asked certain questions in the station house of this defendant. Did you hear any such questions asked? A No, sir.

Q Have you got on your books any question asked by Officer Leonard? A No, sir.

Q Now, if Officer Leonard had asked that question in the presence of Mr. Murphy, you would have had it? A I would.

MR. WELLMAN: That is a different matter. The officer did not say in the presence of Mr. Murphy.

THE COURT: I think I will sustain the objection, unless you can point out to me that the officer said that what he asked was in the presence of Mr. Murphy.

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MR. ARANOW: I have not got the stenographer's minutes here.

MR. WELLMAN: Well, you are welcome to them, Mr. Aranow.

MR. ARANOW: Thank you. Will your Honor permit me to refresh my memory from the minutes of the stenographer?

THE COURT: Certainly.

MR. ARANOW: (To the stenographer.) Will you please turn back to that testimony?

MR. WELLMAN: Your Honor, may I suggest --

MR. ARANOW: To save time I can have officer Lenoard on the stand here, recall him for a minute, if my friend has no objection.

MR. WELLMAN: Oh, that won't save time. Certainly, call him, if you want. He answered the question, your Honor, this morning quite plainly. We will have the minutes tomorrow.

THE COURT: This witness may be recalled tomorrow so that you can interrogate him regarding it.

Q You did not hear Officer Leonard ask any question of the defendant? A No, sir.

Q And you did not make any record of it? A No, sir.

Q And you did not make any record of any answers made to him? A No, sir.

Q Do you recall any question having been asked of the de-

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fendant as to what he did after he left No. 251 West 98th street? immediately after he left it? A Not in those words, no, sir.

Q Do you recall any questions being asked as to what he did on the corner of 98th street and Columbus avenue? A No, sir.

Q Was there any question asked that you heard as to how long he remained standing on the corner of 98th street and 99th street and Columbus avenue? A No, sir.

Q You did hear that he stopped in at some place on Columbus avenue before taking the elevated down, that he mentioned some name? A He mentioned stopping in some place before -- yes, just after he left his place of employment, before he went to Jersey City.

Q Yes. Do you remember the place at the present time? A I think he said it was Greenberger's.

Q Do you know what that is? A I do not, though I should imagine it was a liquor store.

Q I see. Was that question asked of him? A Not in those words, no, sir.

Q I got a glimpse of your notes and in some parts there you had 1911 dash, dash, dash; what did that mean, a dash? A Why, a dash means a broken sentence.

Q A broken sentence. Now, when Mr. Wellman asked you the question at that time did you portray that at that time, that this sentence was broken? A That was a different place that he asked me, it was 143 -- dash 71; that dash was simply a

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mark of punctuation.

Q I mean, did you correct Mr. Wellman at every place where there was a dash? A No, sir, he broke his voice to correspond with the dash.

Q When you transcribe, Mr. Birchall, you only try to get as far as you can the sense of the question? and the answer?

A I try to get down the exact words.

Q You do not, for instance, state how much stop there is after a word? A No, sir, I do not.

Q And you do not state when a man puts up his voice or puts his voice down? A No, sir.

Q You do not mean to say that the defendant here gave the answers in exactly the same tone of voice and with the same calm manner and spirit that my friend, Mr. Wellman, did? A I do not record the changes in the tones of voice at all.

Q Would you think that it was in the same calm manner?

A His answers, as I remember them, were all in a calm manner.

Q There were no stops between words? A There were stops between words, naturally, yes, sir.

Q Didn't you record them? A I recorded, for instance, where he would hesitate in the middle of a sentence, I would put a dash.

Q How many dashes have you got in this book? A I have not counted them.

Q Or the length of time that he stopped? A He never really

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stopped, he would simply y hesitate, break off in the middle of a sentence, and then go on with another thought and then I would put a dash in as a matter of punctuation only.

Q At the time of transcribing? A I generally make note of the dash in my notes if I can.

Q If you were taking my dictation now, you would also take note of the stops that I make? A Only the stop at the end of the sentence, or, as I say, if you stop in the middle of a sentence and break off your thought and start a new thought, or make a mistake and correct it.

Q Did you see his hands at any time while you were taking the notes? A I did not notice them except when he made a gesture.

Q What gesture did he make? A He indicated his stomach, I remember at one time.

Q And what else? A That is all I remember.

Q Did you notice his lips? A No, sir.

Q Or his eyes? A No, sir.

Q Did you notice the lines around his face? A No, sir.

Q And still you want this jury -- your testimony is that this man was rational in all respects? A Yes, sir.

MR. ARANOW: That is all.

RE-DIRECT EXAMINATION BY MR. WELIMAN:

Q Now, how many rooms are there in the Detective Bureau there? A It is not the Detective Bureau, it is the station

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house; a large room near the lieutenant's desk is where you open the door, and up to the left of that where you go in is the captain's room.

Q Where did this examination take place? A In the captain's room to the left of the lieutenant's desk.

Q And is your recollection clear that only Mr. Murphy took part in the examination, and the defendant? A Yes, sir.

Q And no questions were asked there while Mr. Murphy was there? and while you were having this examination, except by Mr. Murphy? A That is right.

Q Are there other rooms, detective rooms there? A There are rooms at the back used by the patrolmen, I do not know what for.

Q And there were just you four people at the start in this room? A Yes, sir.

Q Is the room off from the other room? A Off from the main room, yes, sir.

MR. WELLMAN: That is all. I offer People's Exhibit 3 for identification in evidence at this time.

MR. ARANOW: I object to its competency and materiality.

THE COURT: I will receive it.

MR. ARANOW: I respectfully except.

(People's Exhibit 3 for identification was marked in evidence and handed to the jury.)

MR. WELLMAN: If your Honor please, I offer in evidence

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the fragment of lead which Dr. Schulze produced, now that the corpus delicti has been completed.

THE COURT: Yes.

MR. WELLMAN: That is People's Exhibit 1, if I am not mistaken.

THE COURT: I will receive it.

MR. ARANOW: I respectfully except.

(People's Exhibit 1 for identification is marked in evidence.)

MR. WELLMAN: With the reservation, your Honor, that tomorrow, if the doctor informs me, I will be able to have Mr. Murphy here, I rest my case.

MR. ARANOW: If the Court pleases, I now make the formal and usual motion for direction of a verdict of acquittal and discharge of the defendant and dismissal of the indictment, on the ground that the People have failed to establish beyond a reasonable doubt --

THE COURT: I deny the motion, Mr. Aranow, and you have an exception.

MR. ARANOW: I respectfully except. Also, on the further ground that the People have failed to prove the corpus delicti of the crime sufficiently in law.

THE COURT: In what respect do you contend?

MR. ARANOW: I believe the shooting of Isabelle Bradford was wholly hearsay testimony and not proven sufficient in law.

THE COURT: I deny the motion.

MR. ARANOW: I respectfully except. Also on the ground that the people have at this time failed absolutely here to establish the crime of murder in the first degree. There has been shown no deliberate act of premeditation or malice aforethought.

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THE COURT: Denied. You have an exception.

MR. ARANOW: I respectfully except. And I also respectfully ask your Honor to please charge the jury at this time that your denial of the motion is no indication that this man is guilty, but is merely a matter of law.

THE COURT: You are so told, Gentlemen.

MR. ARANOW: Does your Honor want me to open now.

THE COURT: You may open now.

MR. ARANOW: May I have until tomorrow morning for the production of my witnesses?

THE COURT: Yes, you can produce your witnesses tomorrow morning.

(Mr. Aranow opened the case to the jury in behalf of the defendant as follows:)

If it pleases the Court, Mr. Foreman, and gentlemen of the jury, Mr. Koenig, of my firm, Mr. Thorne and I were assigned to defend this man, charged with the crime of murder in the first degree, that he did it with malice aforethought, a wilful and deliberate murder.

It is not my intention, nor the intention of Mr. Koenig, nor Mr. Thorne, nor any one in his case to mislead you about the truth. We want you, and I have asked you to find where the truth lies, and where the truth lies so shall your verdict be.

We have slight differences with our friend Mr. well-

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man. Mr. Wellman believes there was a wilful and deliberate murder. We differ with him. We intend to show you that this man, who comes from some where down south, had very little training, very little schooling, and had not had the advantages of a white man, and that after laboring for a good many years in the south, polishing boots, and working hard, away from home when a boy of twelve years of age, traveled to St. Louis, there he worked in a barber shop, and continued to polish boots and maintain himself, and did so, a hard working fellow, honestly living by the sweat of his hands. Never been charged or even suspected of any wrong doing.

We will show you again, that after he left St. Louis he went to Chicago, and there by reason of his experience he obtained a job as a porter, and having made good there he again advanced and became a waiter, and that he worked for several years as a waiter in some of the hotels in Chicago, and prospered fairly well. We will show you that from Chicago he went somewhere, - to Detroit, I believe, and stayed there a few years, and finally he came to New York.

We will show you by people who had employed him in New York, that he was always a hard-working, reliable, honest, efficient man, not a high grade man, not a skilled man, but a hard worker. To accomplish anything you could rely on Bradford to do it, he was right there, and he

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was reliable at all times.

We will show you that in the year 1913 he first met this woman. Now, he was working in some elevator apartment as an elevator boy, and this girl worked for one family, and they had an acquaintanceship, and after they had been keeping company for quite a while they got married, and they went to live with a sister-in-law, and everything went along very smooth for quite a while.

We will show you how this man who went out to work returned at the hour of eight or nine o'clock -- no eight hour jobs, but at nine o'clock returned from his work to his sister-in-law's house, and would find that his wife was not home, and would not return, and we will show you how, upon some investigation made by him, he found her to be hanging around gin mills, with her sister, in the back of some of the gin mills in 61st street and Amsterdam avenue.

We will show you how he remonstrated with her, and asked her to conduct herself properly, as a wife should, and that his entreaties met with very little favor.

We will show you that at one time without even being known to him, in his home, his wife gave a party, one of those parlor socials, where gin was a-plenty, and he walked in there and found his wife sitting in the back room drinking with a man all by themselves, having hidden a bottle somewhere.

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We will show you how this was the beginning of the end. How after that he accused her, and that was never denied, and she kept silent about it. We will show you how this thing worked upon him, that silence, not even a denial of the thing, had worked on him, and how he left her.

We will show you that after he left her he found out that he could not very well get along without her. We will show you further that before he left her she absolutely refused to have any sexual relations with him, that he accused her at that time, and that that was the reason why he left her, and that ten days after that he came back and tried to get her to come back to him, and told her so, not only told her so alone, but told her so in the presence of her sister, in the presence of her relatives, begged her to come back, told her that he was going to start a home, and to come back, but she refused. We will show you that he continually called upon her at the place where she worked, and asked her to come back, and she would not do so.

We will show you that he finally through her friends found out where she worked, and went to see her where she worked, and was not refused admittance by her. How he finally did find out where she lived, and when he got there once she was away, and the second time he came to see her she had already moved out, she was gone. We will show you at certain times when she told him to call upon her, that he went to the house and rang the bell, and saw the light,

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and he heard the music playing up there, he heard the singing, and that by the time he came up to the first floor, to that glass door, the room was darkness, and his knocking on the door met no response, whatsoever.

We will show you that some of these friends who had known Bradford for quite some time, took an interest in him, saw his plight, and gave a party to bring Bradford and his wife together, and that at this party Bradford and his wife talked it over and she said she was not ready to go back to him. He asked her why, and all the answer he could get was that she was not ready to go back to him.

We will show you that at that particular time Bradford began to drink, although not to excess, he began to drink more than he usually did. In fact, he never drank at all, until a very short time ago. We will further show you that he called her up on the day before this shooting, and that he had a conversation with her, and asked her to meet him that night, the night before the shooting, and she told him that she could not possibly see him, that she had to work very late that night, and was very busy and she could not see him that night. That was the night of the 22nd.

We will show you that she was going to give him word that night whether or not she was coming back to him. I am also going to show you about that episode about the church which some of the testimony here mentioned, but that was

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not before the leaving, but this happened sometimes after he left, and while she was living with her sister, that he watched at the church all night, waited until everybody was out and they had locked the door, and came home and asked her where she was, and she said she was at the church, and he asked her, "How was the sermon?", and she answered, "How do you think how the sermon was?", and that is as far as it went.

We will show that the night before he called her up on the telephone, and she said she was busy and she would see him on the 23rd. He came to work on the early morning of the 23rd, and we will show you that because of the conditions he had started to drink, and that he went to the Hygrade store, and there bought a pint bottle of whiskey, plain, and that once in a while he used to sip from it.

I am going to let him tell you exactly what his feelings were at that time. I am going to let him tell you exactly what he did, what effect, if any, the story told by this elevator boy had upon him. I am going to let him tell you what he resolved to do at that time, and I do not believe that even my friend Mr. Murphy's examination will serve, excepting it was a very clever examination, but did not bring it to the point. We will show you that after he spoke to this boy, he went and finished the pint of whiskey, that he demanded his pay, and told the man he

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could not stay here, that he was resolved to do a certain thing, made up his mind to do it, and he was going to do it right before her and with her. I am going to show you what he did when he left 251, and what he did before he took the elevated, what he did when he went off the Cortlandt street ferry, what he did before he took the ferry, what he did after he took the ferry, what he did to get the gun, what he did to get the cartridges, what he did after he bought the gun -- after he did -- the only reason I objected to it was that I wanted it in in a legal way -- he bought the gun -- what he did after he bought the gun, where he stopped, how he went up and down and what he did. He will tell you himself. I intend to put him on the stand. He will tell you himself what he did when he went in the house, what conversation he had, what he said to her, and what she said to him, and what he did. And I believe that after he tells you his story and you hear his witnesses, you will agree with me that it was not a deliberate murder, not a premeditated murder, not a murder with malice aforethought.

That he killed her, he will admit, but he did not kill her with malice, he did not do it with malice, and that whatever crime he is guilty of he is ready and willing to serve his penalty for it, and you are solely to be the judges of it, and I hope your judgment will be true.

THE COURT: Gentlemen of the jury, you are admonished

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not to converse among yourselves on any subject connected with this trial, or form or express any opinion thereon until the same is submitted to you.

The Court then adjourned the further trial of the case

Until to-morrow morning, January 18th, 1916, at

10:30 o'clock. . . .

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THE PEOPLE vs. ALLEN BRADFORD.

New York, January 18th, 1916.

TRIAL CONTINUED.

(Roll called.)

THE COURT: Now we will proceed with the case on trial.

The case is with the defendant.

MR. ARANOW: I am going to ask the Court at this time to permit me to take some of the other witnesses later, because of their not being here.

THE COURT: Why, as far as the order of proof is concerned, you may go ahead and produce any witness you see fit.

ALLEN BRADFORD, who states he lived at 36 West 139th street, the defendant, sworn in his own behalf, testified as follows:

DIRECT EXAMINATION BY MR. ARANOW:

Q Allen, you will please speak loudly, slowly and distinctly. We are all anxious to hear you, and try to understand my questions. If you do not understand my questions I want you to say so. Don't answer any question until you thoroughly understand it. A Yes.

Q How old are you? A Twenty-eight.

Q Where were you born? A Born in Alabama.

Q Where? A Alabama.

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Q What city? A Bessemer.

Q Did you go to school? A I did.

Q Up to what year; how old were you when you left school?

A I was twelve.

Q Did you remain in Alabama after twelve? A I did not.

Q Where did you go to? A I went to Memphis, Tennessee.

Q What did you do in Memphis, Tennessee? A Shined shoes in a barber shop.

Q How long did you remain there? A I remained there for two years.

Q And during that time you shined shoes? A I did.

Q Did you have the same place for two years? A I did.

Q After you left Memphis, where did you go? A I went to St. Louis.

Q Missouri? A Missouri.

Q How long did you remain there? A I remained there about a year.

Q What did you do while in St. Louis? A I was a waiter in a boardinghouse.

Q Did you work in one place? A One place.

Q When you left St. Louis, what did you do? A I went to Chicago, Illinois.

Q What did you do when you got to Chicago? A Waiter.

Q Where? A At the Chicago Beach Hotel.

Q How long did you stay there? A I stayed there eight

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months.

Q Did you work in the same place? A Same place.

Q After you left Chicago where did you go to? A I went to Detroit, Michigan.

Q And what did you do in Michigan? A Waiter.

Q Where? A At the Cadillac Hotel.

Q How long? A I worked there for eight months.

Q Any other place? A No, I ran on the boat.

Q Pardon me? A I ran on the steamboat.

Q Which one? A On the "Western States" steamship.

Q What did you do? A Waiter.

Q After you left Detroit on the steamboat, where did you go? A I went to Buffalo.

Q What did you do in Buffalo? A Waiter.

Q How long? A I stayed there for about two weeks.

Q And from there where did you go? A I came to New York.

Q When you first came to New York, do you remember what year it was? A No, I can't recall the year.

Q How long ago? A Well, about fourteen years; fourteen or fifteen.

Q You were about fourteen years of age then? A Yes.

Q Where did you first live? A I lived 136th street, 34.

Q What did you do? A I was assistant janitor there.

Q Where? A At 34 West 136th street.

Q How long did you remain there? A I remained there for

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about a year.

Q What did you do after that? A I started working in an apartment house, running an elevator.

Q Where? A 49 Claremont avenue.

Q How long did you work there? A I worked there for about nine months.

Q And after that what did you do? A I was running an elevator in 93rd street.

Q Where, what number? A At 312.

Q And how long did you work there? A I worked there going on two years.

Q And after that where did you work? A 411 West End avenue.

Q How long did you work there? A I worked there for about eight months.

Q In what capacity, what did you do? A Run an elevator.

Q What street was that, Allen? A That is 80th street and West End avenue.

Q And after that what did you do? A I run an elevator in 111th street.

Q What number? A 528.

Q For how long? A About two years.

Q And for the past fourteen years, Allen, have you been out of work for any length of time? A Not any long length of time, no, sir.

Q Well, what was the longest length of time? A About two months.

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Q. Otherwise for fourteen years you worked steady? A Yes, sir.

Q And supported yourself? A Yes, sir.

Q Did you ever have to go to charity for any help? A No, sir.

Q Isabella Bradford was your wife? A Yes, sir.

Q Where did you first meet Isabella? A 312 West 93rd street.

Q Were you working there? A Yes, sir.

Q Was she working there? A Yes, sir.

Q What were you doing in there? A I was elevator man.

Q What was she doing there? A She was general houseworker.

Q How long did you know Isabella before you were married?

A I knowed her about two years.

Q You saw her often? A Yes, sir.

Q Did she work in the same house with you? A Yes, sir.

Q And do you know Isabella's sister? A Yes, sir.

Q What was her name? A She had one named Blanche Wright, and one named Lizzie Petty.

Q After you were married did you go to live with one of Isabella's sisters? A Yes, sir.

Q Which one? A Blanche Wright.

Q Where does she live? A She lives 219 West 61st street.

Q Is that right off Amsterdam avenue? A Between Amsterdam, yes, sir.

Q Between Amsterdam and what? A And Eleventh avenue.

Q Commonly known as San Juan Hill? A San Juan Hill, yes, sir.

Q How long a period of time did you live with Blanche

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Wright, and your wife, rather, at Blanche Wright's? A About two years.

Q Two years or one year? Do you remember? A No, sir, I don't know the exact time.

Q Do you remember when you were married? A I don't remember the year.

Q How long ago? A It was about four years ago.

Q When you lived at Blanche Wright's did you have a room there, or did you have an apartment? A I had a room.

Q How long did you live with your wife after you were married? A About two years.

Q Before you married Isabella, did you know whether or not Isabella drank? A I did.

Q And when you were first married did Isabella perform the duties of a wife regularly? A She did.

Q Behaved herself in a good and orderly manner? A Yes, sir.

Q How long did that state of affairs continue? A A little over a year.

953 Q Then what happened? A Then she started staying out late at night.

Q With whom? A With Blanche Wright.

Q Who is that? A That is her sister.

Q Do you know where she was? A No, I don't.

Q Did you hear where she was? A No, sir.

Q Did you suspect her of being anywhere?

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MR. WELLMAN: That is objected to.

THE COURT: Objection sustained.

Q When you mean late nights, what do you mean by late nights, nine o'clock? A No, twelve and one.

Q Any later? A One time she came in after two.

Q Did she come home sober, or what was her condition when she came home on those occasions? A Well, she had been drinking.

Q Did you say anything to her? A I did.

Q What did you say to her? A I told her it was not right for her to stay out that late, being a married lady.

Q What did she say? A She said she was twenty-one; she knew her business.

Q Did that happen on more than one occasion? A Yes, sir.

Q On about how many occasions would you recall that this thing happened? A About a dozen.

Q Did you afterwards leave her? A I did.

Q Just prior to your leaving her had anything extraordinary occurred there? A It did.

Q What? A She refused to connect with me in bed.

Q You mean to have sexual relations with you? A Yes.

Q Do you remember a party being given there? A I do.

Q Her refusal to have any relations with you, was that before or after the party? A That was after the party.

Q How long after the party? A It started from that night.

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Q What happened on the night of that party; were you at home when the party began? A No.

Q Where were you? A I was working.

Q Where? A Working 411 West End avenue.

Q What time did you go home? A I got home around half past seven.

Q And what did you find when you got home? A A party was going on.

Q What do you mean by "party was going on?" A There was a lady there, playing a guitar, and about a dozen people there, strangers.

Q Men or women? A Men and women.

Q What were they doing? A They were dancing and drinking.

Q What? A Drinking beer and whiskey.

Q What did you see your wife do, if anything? A She was dancing when I first went in. Later on she went out in the kitchen and drank whiskey out of a bottle with Grover.

Q Who was he? A I don't know; he introduced himself as a doctor.

Q Did you ever see him afterwards? A I did.

Q Where? A Where I was working at the Hotel Hargrave; he were working just opposite the Hargrave, in the apartment house, as a doorman.

Q What number, do you remember? A I don't remember the number.

Q How far away from 143 West 71st street? A That is about a

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dozen stoops, I judge.

Q In other words, it is right near? A Yes.

Q The Hargrave is on the corner, or almost near the corner of 71st street and Columbus avenue? A It is on the corner.

Q And this man was working where? A He were working right near 71st street, right behind the Hargrave.

Q Below the Hargrave, between Columbus and Amsterdam avenue?

A Yes, between the block.

Q Or further down towards Amsterdam, or Broadway, rather?

A Yes.

Q And your wife worked at 143? A Yes.

Q Was your wife drinking with this man Grover in the presence of anybody; was everybody around them? A No.

Q Where were they? A They were in the kitchen.

Q Was anybody in there with them? A No.

Q Did you go in there? A I did.

Q Did you say anything to Isabella? A I didn't at the time.

Q What did you say? A I didn't at the time.

Q You did not? A I didn't say anything.

Q Did you watch her there for any length of time? A I did.

Q For how long a time? A For fifteen minutes.

Q Did she leave that room? A No, sir.

Q Did that man leave the room? A The man came out ahead of her.

Q Did you say anything to her at all about that thing?

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A After the party.

Q What did you say? A I told her it was not right for her to be out in private rooms, drinking whiskey out of a bottle with Grover.

Q Did you join that party? A No, I did not join it.

MR. WELLMAN: I do not think that is material.

THE COURT: I do not think it is material.

Q What did you do; did you dance? A No.

Q Did you go out drinking with them? A No.

THE COURT: I call your attention to the fact, I do not think that the date of this party has been fixed.

Q Do you remember, Bradford, when that party took place, how long ago? A It was in 1914.

Q About what month? A It was in June or July.

THE COURT: It appears to me that is very remote.

MR. ARANOW: If the Court please, I believe in view of what the District Attorney said --

THE COURT: Well, go ahead.

MR. ARANOW: I will not dwell upon it any longer.

THE COURT: It appears to me to be remote.

Q After this night you say your wife refused to have any relations with you? A She did.

Q What did you say to her? A I would ask her in, and she would merely push me away.

Q Did you say anything about that? A I did.

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Q What did you say? A I asked her why should she treat me like that, and she would not give me any answer.

Q How long did that continue? A That continued about a week.

Q What did you do? A Then I got a room in 528 West 58th street.

Q Did you move there? A I did.

Q With any one? A Yes.

Q Who? A With Arthur Wright.

Q Who is that? Any relation to Blanche Wright? A No, a different Wright.

Q Did you see your wife immediately after you parted? A Yes, sir.

Q How soon after? A I saw her immediately after the last person left the house.

Q No, I mean after you moved? A After I moved, that was a week later.

Q Where did you see her? A I saw her at 143 West 71st street.

Q Is that the place where she worked? A Yes, sir.

Q Did you have any conversation with her? A I did.

Q Please tell the Court and jury what you said to her, and what she said to you? A I said, "Bella, I think it is time for us to go back and live like a married couple." she would not give me any answer.

Q What do you mean, she would not give you any answer? Did she say anything? A No, she did not say anything at the time.

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Q Did she say anything afterwards? A I came back the next day and asked her the same question, and she said she would take her own time, and when she would get good and ready she would come back.

Q Anything else? A No.

Q Did she say anything about your leaving her? A No, not that time.

Q That was afterwards? A Yes.

Q Did she ever go back and live with you from that time on?
A What is that?

Q From the time you moved away to this fellow Wright's, did she live with you after that? A No.

Q In the year 1914, did you see her many times? A Yes, sir.

Q About how many times? A About a dozen times.

Q Did you have any conversations with her? A Yes, sir.

Q Please tell the Court and jury what you said to her, and what she said to you?

MR. WELLMAN: When was this?

MR. ARANOW: 1914.

MR. WELLMAN: Your Honor, this is all very remote.

THE COURT: It seems to me to be very remote.

MR. WELLMAN: I have not been making any objection, to see if it would lead anywhere, and I object now.

THE COURT: I think it is too remote. I am inclined to exclude it.

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MR. ARANOW: I will take the Court's suggestion.

THE COURT: You have a right to show anything which may bear upon the condition of mind, the frame of mind.

MR. ARANOW: That is exactly what I am trying to do.

THE COURT: But when you go back as far as that, it appears to me to be remote.

Q Did you see Isabella in 1915? A I did.

Q Where? A I saw her at 143 West 71st street.

Q How many times? A About a dozen times.

Q More or less? A Well, perhaps more; it was no less.

Q Did you have conversations with her? A I did.

Q That was last year? A Last year.

Q During what months was that, Bradford? A During the winter months.

Q You mean January, February, March and April? A Yes, sir, when I was working at the Hargrave.

Q What conversations did you have with her, if any? A I would ask her to come back to me, I would treat her better, and thought it would be better for us to go back together and have a nice home, as a married couple should do.

Q What did she say? A She said I left of my own accord, and she would see a good time before she would consent the matter.

Q Before she would what? A She would consent to coming back.

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Q Did you visit her at her home at any time? A Once at 135th street.

Q When was that? A I don't remember the month.

Q How long ago? A Yes, I do, it was Easter Sunday.

Q In April? A Yes.

Q Was she home? A She were.

Q Did you see her? A I did.

Q Did you have a conversation with her? A No, I walked in and she did not speak to me.

Q Did you speak to her? A I did.

Q What did you say to her? A I said, "How do you do, Belle?" She refused to answer.

Q What did you do? A I sat down a few minutes and walked out.

Q Did you say anything else than "How do you do to her"?

A No, I didn't.

Q Did you see her after that? A Yes, I did.

Q Did you have any trouble in seeing her at 143 West 71st street? A At one time.

Q What happened? A I rang the bell, and heard her coming to the door, and she refused to open the door; or the housekeeper, I don't know whether she were her or not.

Q You don't know who it was? A No.

Q Did you know at that time where she lived? A I did not.

Q Did you ever ask her for her address? A I did.

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Q What did you say to her, and when was that? A That was about the second time I visited her in 71st street.

Q What did you say to her about that? A I said, "Belle, give me your address so I can call on you, and we probably talk the matter over, and get back together."

Q What did she say? A She said, "You don't need to get my address."

Q Did you ever find out her address? A I did.

Q Did you call on her? A No, sir, not at the 68th street house.

Q Did you know where she had lived before she moved to 68th street? A She lived at 219 West 61st street.

Q Where did you get that address from? A That was the address I left her at.

Q After she moved away from 68th street where did she move to, do you know? A She moved to 34 West 135th.

Q Did she give you that address? A No.

Q How did you get the address from her? A I was standing at the corner of Lenox avenue at 135th street, about five o'clock one evening.

Q Some one gave you the address? A No, she got off the car, and I slowly walked behind her and saw the door she went in.

Q Did you visit her there? A I did.

Q Did you have a conversation with her there? A No.

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Q Did she remain there? A She remained there.

Q How long did she live there after you called? A She is living there now -- she were -- she would be.

Q When did you first begin to drink, Bradford, - or did you drink? A Well, I started to drink when I came to New York.

Q Did you ever drink to excess? A No.

Q In the last two years where had you been working? A I worked in different places.

Q And last November, where did you work? A Last November I worked at 330 West 95th street.

Q Last November? A Oh, last November I worked 251 West 98th.

Q With Mr. Brown? A Yes, with Mr. Brown.

Q Do you know this Foster boy, Thomas Foster? A I do.

Q How long have you known him? A I have been knowing him eight or nine years.

Q Do you know any one by the name of Bayne? A Yes, sir.

Q Where do they live? A They live 36 West 139th street.

Q Did you see Bayne recently? A I did.

Q When? A That was about the week of the party.

Q What party? A There was a party given there to try get I and my wife together.

Q By whom? A By Bayne.

Q Was your wife there? A She were.

Q Who was with her? A Blanche Wright.

Q Were you there? A I were.

Q Did you have any conversation with your wife? A Not a close

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conversation.

Q When did you see her; when did you talk to her? A I talked to her on the way home. I had taken her home that night.

Q How long ago was that, Bradford? A That was about three weeks up to the shooting.

Q Did you walk home with her? A I did.

Q Did you have any conversation with her? A I did.

Q What conversation; what did you say to her? A I told her it was time for us to go back, we had been separated long enough, and my love to her overpowered me, I could not stand it much longer and it was time for us to go back, go and make ourselves a home.

Q What did she say? A She did not give me any answer. She looked as if she would do it.

Q What did she say? You walked home quite a distance with her, didn't you? A Well, it was a few blocks.

Q Didn't you say anything to her in that time? A She did not say anything in regard to that.

956 Q Did you say anything in regard to anything else? A We were talking on different subjects.

Q And Blanche Wright was there? A She were.

Q Did you see your wife after that party given by Bayne?

A No.

Q Did you speak to her? A I spoke to her over the telephone.

Q When? A The day before the shooting.

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Q Why did you go to speak to her on the telephone that day? A I wanted her to come up to my house so I could give her a general talk about the matter.

Q About what matter? A Going back together.

Q Why didn't you go and see her? A I was working at the time.

Q And you called her up while you were working? A I did.

Q Had you been thinking about the matter? A I had.

Q How long? A It was on my mind all day.

Q For how long a time? A Ever since we had been separated. I had been worrying over it.

Q What did you say to her in the telephone conversation, and what did she say to you? A I said, "Belle, come up to the house tonight. I want to see you on some important business."

Q What did she say? A She said "I can't come tonight, but probably tomorrow night or later on in the week."

Q Did she say why she "can't come tonight"? A No, she did not say so.

Q What did you say? A I said all right.

Q Did you make any appointment at all for any time? A She would not tell me the exact day she were coming.

Q Anything said about the evening of the 23rd? A She said "I will probably be up that day or later on in the week."

Q She did not say the 23rd? A No.

Q What shift were you on that time? A I were on the early watch. I came on at half past four.

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Q What time did you go to bed the night before? A I went to bed at half past ten.

Q What time did you get up? A I got up about four o'clock.

Q How did you feel when you got up that morning? A I felt pretty good.

Q Did you go to work? A I did.

Q When you got to work what did you do that morning? A I opened my fires up.

Q What else? A Then I sit around.

Q What did you do? A I didn't do any particular thing then.

Q What did you do from the hours of four until eight? A I stood around in the boiler room until seven. Then I went out to see was the Hygrade store open.

Q Where was the Hygrade store? A Right around the corner, Broadway.

Q Did you find out whether it was open? A It were open.

Q What did you do? A I bought half a pint of whiskey.

Q Was that your usual custom? A Once in a while I would get a half pint early in the morning like that.

Q What time was that about? A It was seven o'clock.

Q Did you buy that half pint of whiskey? A I did.

Q In what form, in a bottle? A Half pint bottle, sealed bottle.

Q How much did you pay for it, do you remember? A I paid 20 cents for it.

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Q What did you do after you bought that? A I went back to the boiler room, and drank near half of it.

Q After that what did you do? A I threw coal on the fire and went up in the laundry.

Q What did you do there? A I sit around.

Q Did you see anybody there? A No; at that time.

Q When? A It was about seven thirty then.

Q Who did you see? A I didn't see any one at that time.

Q Did you see any one after that? A I saw Tom Foster about eight.

Q Did you have a conversation with him? A He asked me how was the party.

Q What did you say? A I asked him what party?

Q What did he say? A He said the party my wife gave.

Q Then what did you say? A I said it was the first I heard of it. He said, "Yes, there was a party given by your wife, and a friend of mine received a card, and he showed it to me last night." I said, "It is the first to my knowledge, I didn't know anything about it."

Q Did he remain there any length of time? A No, he went on out the door then.

Q What did you do? A I went back to the boiler room and drank the balance of the whiskey.

Q What then? A A few minutes later I sent for Mr. Brown.

Q What did you do between the time that you spoke to Foster

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and the time you sent for Mr. Brown? A I drank the whiskey, and threw coal on the fire.

Q Anything else? A No.

Q Were you thinking of anything particularly? A No.

Q Did you ever think of Isabella? A I did.

Q What? A It pressed upon my mind when she was sleeping in the bed with me and refused to connect, and I also thought of her staying out late at night, and I also thought when she was drinking whiskey out of the bottle with Grover.

Q When did you think of that? A That day when I drank the whiskey.

Q What then? A And all of that pressed upon my mind.

Q What did you do? A I sent for Mr. Brown. Later on he came down. I told him I thought it was best for me to leave the City. He asked me what was the trouble. I told him I have had family troubles, and I thought it was best for me to leave the city. He said, "Well, I hate to see you go, you proved satisfaction around here. Of course, if you will go I can't keep you." Then he asked me would I remain there until he got some one. I said yes, so later on he brought my money down.

Q How much? A \$7.50.

Q Did you have any money in your pockets before that?

A I did.

Q How much? A I don't know, it was about ninety cents.

Q When he brought you your money what did you do? A I dressed myself.

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- Q You put your street clothes on? A Yes, sir.
- Q Did you remain there? A No, I went to Columbus avenue.
- Q Where? A Between 98th and 99th street.
- Q What particular place? A I stopped in a saloon.
- Q What saloon? A It was a wholesale place, I remember.
- Q On the corner or in the middle of the block? A In the middle of the block.
- Q What did you do there? A I had some drinks.
- Q Some drinks, - what is that? A I had some three or four drinks.
- Q Of what? A Of Old Crow whiskey.
- Q How long did you remain there? A I remained there about fifteen minutes, inside, and on the streets too.
- Q What part of the street? A Near the curb in front of the place.
- Q What did you do on the curb? A Smoking cigarettes.
- Q What were you doing besides that? A I was trying to study out whether to leave the city or to take my life. I didn't have money enough to carry me where I wanted to go.
- Q Where did you want to go? A I wanted to go to Detroit.
- Q You had \$8.40, didn't you? A I did.
- Q Was that enough? A No, sir.
- THE COURT: Pardon me, Counselor, you had \$8.40?
- MR. ARANOW: \$8.40, yes.
- BY THE COURT:
- Q Is that the amount you had? A I don't know.

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BY MR. ARANOW:

Q You had ninety cents to begin with? A Yes.

Q And you had seven dollars and a half? A Yes, I did.

Q How much did you spend about, for drink? A I don't know.

Q You didn't have any more than eight dollars and a half, did you? A No, I did not.

Q How long did you remain on that corner of 98th street? A I remained there for fifteen minutes about.

Q During that time, you were thinking the matter over? A I were.

Q Did you resolve to do anything, or did you decide to do anything? A I did.

Q What? A I decided to take my own life.

Q Then what did you do? A Then I caught the L.

Q Where? A At 99th street and Columbus avenue.

Q Where did you go? A I went to Cortlandt street.

Q What did you do at Cortlandt street? A I got off and had some more drinks.

Q Where? A At the river front there, about a block from the station.

Q In a saloon? A In a saloon.

Q How many did you have that time? A I don't know.

Q One, two, do you recall? A It was more than one, but I don't know how much more than one.

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Q What did you drink, do you remember? A I was drinking Old Crow.

Q You mean you were drinking Old Crow? A Yes.

Q After that did you cross the ferry? A I did.

Q After you crossed the ferry, where did you go? A I walked up two or three blocks and stopped in another saloon.

Q What did you do in that saloon? A I had some drinks there.

Q Did you remain there a long time? A No, not a long time, about twenty minutes or fifteen minutes; something like that.

Q Where did you go after you left that saloon? A I went into a hardware store about a block or two up from there.

Q You had a conversation with somebody? A No.

Q Did you ask anybody anything? Just say yes or no; did you ask for something in that hardware store? A Yes.

Q After that you went to a stationery and sporting goods house? A I did, yes, sir.

Q You saw this elderly gentleman who was here, that was here yesterday on the stand? A I didn't notice him.

Q Don't you remember him? A No.

THE COURT: Now, in your question you are referring to the witness Hanson?

MR. ARANOW: Yes, Hanson.

Q Do you remember that man with the little beard that appeared on the stand here yesterday? A I do.

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Q Did you ever see him before? I don't remember.

Q When you went in there you bought a revolver, is that right? A Yes, sir.

Q Is this the revolver (exhibiting People's Exhibit 4 in evidence)? A It looked to be.

Q Do you remember that part of the revolver being broken? (Indicating butt of revolver) A No.

Q Did you examine it at all? A No, I didn't.

Q Did you ever see the revolver in your life before?
A Never.

Q You also bought cartridges? A I did.

Q How many cartridges? A Five.

Q Did the man wrap them up for you? A He did.

Q What did you do? A I put them into my pocket.

Q I show you this paper, People's Exhibit No. 7 in evidence, and ask you whether or not this part here is your handwriting (John Wilson)? A (Witness looking at paper) That is my handwriting.

Q Do you see the name "John Wilson" there? A Yes, sir.

Q What is your name? A My name is Allen Bradford.

Q How is it you wrote there "John Wilson"? A I don't know. I thought I had my name there.

Q Is that your address (indicating matter on paper)? A That is my address.

Q How ^{much} did you pay for this revolver?

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THE COURT: Pardon me. For the purposes of the record, you were showing him what?

MR. ARANOW: I showed him People's Exhibit 7.

Q How much did you pay for this revolver, People's Exhibit 4? A I don't know.

Q The man testified yesterday, Bradford, that you paid him \$4.50 for it -- A I don't remember.

Q Anyway, you paid him for it? A I paid him for it, yes, sir.

Q After you bought this revolver, what did you do? A I came out and went in a saloon.

Q Where? A About a block or two from the place.

Q What did you do in that saloon? A I had some drinks .

Q How many? A I don't know.

BY THE COURT:

Q What kind of drinks? A Whiskey.

BY MR. ARANOW:

Q After you left that saloon where did you go? A I caught the ferry.

Q And then what did you do? A Came on this side.

Q Yes. A And stopped in a saloon and had some drinks.

Q What kind? A Whiskey.

Q Then where did you go? A I caught the L.

Q Where? A Cortlandt street.

Q And then where did you go? A I went to 59th street.

Q Are you chilly? A No.

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Q What did you do at 59th street? A I stopped out there and went to Tenth avenue.

Q Where? A Stopped in a saloon.

Q What did you do? A Had some drinks.

Q What did you take? A Some whiskey.

Q After that what did you do? A Then I went to 211 West 63rd street.

Q What for? A To see a fellow by the name of Louis Campbell.

Q What did you want to see him about? A I wanted to bid him farewell.

Q Where did he live? A He lived 211 West 63rd street.

Q What floor? A On the fourth floor, front, on the west side.

Q Did you go up? A I did.

Q Did you knock? A I did.

Q Was he there? A No.

Q Then what did you do? A I came out and stopped on the corner saloon and had some more drinks.

Q On the corner saloon? A Yes, corner of 63rd street.

Q Do you remember anything else besides the drinks there?

A I went into the lavatory and loaded the revolver.

Q You first unwrapped it, didn't you? A Unwrapped it, yes.

Q And then you loaded it? A Yes.

Q With five bullets? A Yes, sir.

Q What did you do after you loaded it? A Then I had another drink, and then walked up to 71st street.

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Q What were you doing in 71st street? A I wanted to kill myself there.

Q Why there? A I wanted to fall at my wife's feet.

Q Why? A To let her know that she did me wrong in life.

Q What did you do? A Then I went there and rang the bell, and the caretaker let me in. Then I walks in the kitchen. I said, "Hello, Belle." she refused to answer. Then I said "Hello", and she refused to answer. She looked over her left shoulder and didn't say anything. Then I pulled the revolver, I said, "Well, well, well", and when I knowed anything the revolver was exploding.

Q Did you see her fall? A Well, not in a way, I didn't remember seeing her fall. She was turning around when I knew anything.

Q Did you see her waist burn? A I don't remember that.

Q How many shots did you fire? A I don't know .

Q Two, three? A I don't remember how many.

Q More than one? A I don't know.

Q Well, you fired one? A I fired one; don't know whether it was one or two or three.

Q Did you see her fall? A I didn't notice.

Q You saw her go to the ground? A I saw her fall.

Q Did you fire any shots at that time? A I don't remember. I was so excited, I didn't remember.

Q And did you remain in that room? A No, I walked to the

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street.

Q When did you walk to the street? A A few minutes after the revolver was fired.

Q Did you empty the revolver? A I don't know.

Q Did you still have the revolver in your hand? A I did.

Q When you walked to the street? A Yes.

Q In which hand? A In my right hand.

Q When you walked out to the street, what did you do? A Then I pressed the gun to my stomach.

Q Did it discharge? A No, it did not.

Q You said you wanted to kill yourself in front of your wife; why didn't you press it to your stomach inside? A I don't know. I was excited. I don't know what happened. I was practically crazy.

Q How is it you pressed the revolver to your stomach on the outside; you remember that. Do you understand me, Bradford?

A I pressed it to my side.

Q After you did that, what did you do? A Then I held the gun in my hand, like this (indicating right hand), and it went off.

Q Did you point it upward like this, in the air (indicating holding over head)? A I don't remember whether it was in the air, or in which direction it was pointing.

Q After the gun went off what did you do; did you open it?

A I don't remember it.

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Q Did you break it? A I don't remember it.

Q Did you keep it in your hand? A I don't know.

Q Well, what did you do after that; after you said the gun went off what did you do; did you run, or stay there, or fly, what did you do? A I stayed there.

Q Did you see any people around you? A Yes, there was a crowd of people there.

Q What were you waiting for? A I don't know, not any particular reason.

Q Do you remember seeing a policeman? A Yes, he came up later.

Q Did you do anything when the policeman came? A No.

Q Did you throw up your hands and say, "Shoot me now; I am ready to die?" A I don't remember it.

Q Did you have the gun in your hand at that time? A I don't remember whether I had it in my hand or in my pocket.

Q What did you do when the policeman came? A The policeman carried me inside.

Q Carried you inside? A Yes.

Q Carried you? A Well, he caught me by the arm.

Q He led you inside, you mean? A Yes.

Q Did you mean carried inside? A I meant led inside, he caught me by the arm.

Q Did you see anything there at that time, Bradford? A I did.

Q What did you see? A I saw my wife lying on the floor.

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Q Did you tell him that was your wife? A I don't remember saying anything at all to them.

Q You had some conversation with them? A No; I don't remember it.

Q Did he ask you who the woman was? A I don't remember it.

Q What did you do after that? A Later on the ambulance came.

Q Were you still there? A I were.

Q What happened after that? A They carried me to the station house.

Carried you again? A They taken me to the station house.

Q What did you do at the station house? A I sat there a long time.

Q Alone? A No, there was about a dozen men in the room.

Q Did they say anything to you at that time? A They were talking there once in a while.

Q Did they ask you any questions? A They asked me a few questions.

Q Did you make answers? A I don't remember answering them.

Q Do you remember having a conversation with them? A They was trying to talk to me, but I don't remember answering them.

Q Do you remember this man with the eyeglasses, with a dark rim, a blonde man? Do you remember Mr. Murphy? A No.

Q Do you remember this young man, that stenographer that was on the stand here yesterday? A No.

Q Don't you remember him at all? A No.

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Q Do you remember you had some conversation with those men and you were talking to them? A Well, I talked to them yes.

glen Q And you told them different things? A I don't remember what I told them. The questions I answered, I really could not say what they are.

Q Do you remember whether you signed that paper or not? A I don't.

Q Do you mean you didn't? A I don't remember signing it.

Q Did they ask you to sign it? A I don't remember whether they did or not.

MR. WELLMAN: I thought you meant the paper in Jersey City. I object to the question now as indefinite.

THE COURT: I would suggest, in order that you make the record clear, that you indicate what paper you have reference to.

Q Was there any paper before you? A I don't remember seeing any.

Q Was any man sitting in front of you and writing? A I don't remember seeing any.

Q Did any man read anything to you that he had written on a book? A No, I don't remember it.

Q Did any man ask you to sign any paper, and ask you, "Bradford, is this the truth now? If that is the truth will you please sign it?" Did anybody say anything like that to you? A I don't remember it.

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Q They might have? A They might have; I don't remember it.

THE COURT: You are referring now to the time when he was in that station house?

MR. ARANOW: I am referring now to the time when he was in the station house.

Q You were incourt all day, yesterday, Allen. Did you hear Officer Kotschau say that when he approached you you said, "I killed my wife, Officer, and I had good reason to." Did you make any such statement to him? A I don't remember making no statement to him.

Q You heard Officer Leonard, in describing your conversation with him, state that you told Officer Kotschau, "I killed my wife. I am ready to die." Do you remember any such statement being made? A I don't remember it.

Q You were perfectly cool at that time, Allen? A I don't know how I were.

Q Are you cool now? A No, I am not cool now, because I am trembling.

Q Are you cold? A No.

Q Were you as cool on the 23rd of November as you are now?

A No, I was not cool then.

Q How many drinks did you have altogether that morning?

A I don't know.

Q About how many? A I haven't got the least idea.

Q How much money did you have when you first left? A When I started out I had eight dollars and something; I don't know

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how much it were.

Q How much money did you give to the police afterwards, do you remember? A No.

Q The officer said a dollar and four cents?

MR. WELLMAN: He said he don't know.

Q The officer said a dollar and forty-five cents. A I don't remember how much it were. I remember taking some change out of my pocket, and putting it upon the table.

Q Do you remember how much you paid for the gun? A No.

Q Did you spend any money outside of your car fare? A No.

Q Outside of your buying the gun and cartridges? A No.

BY THE COURT:

Q What time did you have breakfast that morning? A I didn't eat any breakfast that morning.

Q What time did you have dinner? A I didn't eat any dinner.

Q When last before the shooting had you eaten solid food?
A In the middle of the day, the day before the shooting.

BY MR. ARANOW:

Q Now, Bradford, you spent approximately about four dollars and sixty cents for the gun and cartridges; you don't dispute that? A I would not dispute it, but I would not say whether I spent that or more.

Q You spent for car fare about 30 cents, is that right?
Car fare downtown, across the ferry and back from the ferry

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and uptown? A It would not be 30 cents, it would only be 16.

Q Well, we will say sixteen. That would be \$4.76, and you had eight dollars and forty cents. What did you do with the other remaining \$2.30? Did you buy anything for it? A I didn't buy anything, excusing drink.

drinks
Q Excepting^{drinks} you mean? A Excepting drinks.

BY THE COURT:

Q When you were drinking in these different places, as you say, were you drinking alone, or were you treating any one else? Were you paying for drinks for anybody else? A I were drinking alone, your Honor.

Q So that you say you paid out no money on the day of the shooting, or paid for drinks taken by other people? A No, sir.

BY MR. ARANOW:

Q Now, Mr. Birchall, a stenographer of the District Attorney's office, testified yesterday that you had made up your mind to do it. He testified that you said that you made up your mind to do it. Tell the Court and jury what you mean by "you made up your mind to do it"? A I made up my mind to kill my own self.

Q Didn't make up your mind to kill your wife too? A No.

Q When did you make up your mind to kill your wife? A I didn't make it up at all.

Q How did you come to kill her? A I don't know; the revolver exploded, and that is all I know about it.

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Q When you took out the gun, didn't you shoot her; you aimed it at her? A I don't know whether I aimed at her or not. When I knowed anything the revolver was exploding.

Q Mr. Birchall also said that you afterwards said you had good reason to do it, or some testimony like that. Do you remember that? A No.

Q Do you remember, or did you at any time tell anyone that you had made up your mind to kill your wife that morning? A No.

Q What do you mean, "No", which is it? A I don't remember.

Q Did you make any such statement? A I don't remember.

Q Did you, as a matter of fact, make up your mind to kill your wife that morning?

MR. WELLMAN: He has answered that.

THE COURT: He said he don't remember having made such a statement.

Q Did you, as a matter of fact make up your mind to kill your wife that morning? A No, I did not.

Q This thing had been on your mind --

MR. WELLMAN: That is objected to as leading.

THE COURT: Sustained. You have gone all over that.

Q Mr. Birchall testified that you said that you did not take the whiskey to get up nerve to do it, but that when you made up your mind to do it, you would do it without the whiskey? A I don't remember it.

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Q If you made any such statement "to do it", what do you refer to by "to do it"?

MR. WELLMAN: How can he say that? He says he don't remember it.

MR. ARANOW: All right; question withdrawn.

MR. ARANOW: If your Honor please, I think, in view of the fact that my friend, the District Attorney has read from a paper yesterday, I think in fairness to me I ought to have a copy of it, or have the use of the same paper which he read from.

THE COURT: The position which the Court has taken in the matter is very plain. There is no paper in evidence, and when I say no paper in evidence I mean to say in connection with the testimony of the stenographer in the employ of the District Attorney, or in the office of the District Attorney. The witness was allowed to look at the paper which he said that he made at the time, for the purpose of refreshing his recollection, after he had exhausted his recollection; and at the time when he said he knew that what he wrote, at the time he wrote it, was correct, which was made at the time of the transaction.

MR. ARANOW: I see, but if I am not mistaken, I may be wrong; but I believe that in any proceeding, or especially a criminal trial, where counsel, either counsel reads from a paper, that then, upon application to the Court the other counsel may have the use of such paper for the purpose of cross

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examination or rebuttal.

THE COURT: Any paper that was held in Mr. Wellman's hand so far as the trial was concerned, was nothing but private memoranda used by him in the examination of the witness.

MR. ARANOW: And I cannot have the paper?

THE COURT: No.

MR. ARANOW: I respectfully except.

THE COURT: I will allow you to have the Court's copy of the stenographer's minutes of the trial.

MR. ARANOW: I would like to.

(Mr. Aranow uses the stenographer's copy of the minutes of the proceeding.)

Q Mr. Burchall testified in his testimony, gave some detail about some episode on a Sunday evening in a church; do you remember that, Bradford? A I do.

Q Do you remember telling that to the police? A No.

Q What did you do? A I remember going to the church after my wife.

Q When was that? A That was in 1914.

Q Was that at the time she lived with Blanche Wright, her sister? A That was before we separated.

Q What was the occasion there?

MR. WELLMAN: Objected to as too remote.

THE COURT: Sustained.

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MR. ARANOW: If the Court please there was testimony on that given by Mr. Birchall and the Court admitted it.

MR. WELLMAN: I withdraw the objection, in view of that, and I am willing he should give his present version of that.

Q Just tell us what happened there? A My wife and her two sisters were going to church one Sunday evening, and about half past ten I went around to the church, and brought my wife home, and I saw the other two sisters, but I didn't see my wife.

Q How long did you stay there? A I stayed there until the doors were closed.

Q What did you see? A I saw the other two sisters going home.

Q Did you have any conversation with your wife afterwards?
A After she came in, yes.

Q What did you say to her? A Well, I asked her what church did she go to. She asked me what church I think she went to.

Q Did she say anything further? A No.

Q You said you went there to get her and bring her back from church? A I did.

Q Now, Mr. Birchall said you said you went to get a drink?
A I don't know nothing about no drink.

Q He says that it was around 10 o'clock and you were not asleep when the other two sisters came in?; I will read it.

(Reading) "And when I got in it was around ten o'clock and I wasn't asleep when the other two sisters came in, because I seen

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them, and I asked for my wife and they says, - they didn't give me no decided answer. They saying 'She'll be home later.' Well, the first time -- no, after that she came about an hour later, and I asked her, 'What church did you go to?' Do you remember making that statement? A No.

Q But you did wait for them at a church? A I waited at the church.

Q Where did you see the sisters? A At the church.

Q Did you see them at the house? A No, I didn't see them at the house.

Q Where did you see your wife? A I saw my wife come in an hour later.

Q Where? In the house, or on the stoop, or on the street, or in the church? A I saw her in the house when she came home. I went directly home.

Q Now, Bradford, have you ever been convicted of a crime?

A Never.

you ever been

Q Lave charged with a crime before this? A Never.

MR. ARANOW: Your witness.

CROSS EXAMINATION BY MR. WELLMAN:

Q Why is it you were trembling a little while ago as you sat there? A Well, I am shaking now.

Q Are you afraid? A Not altogether afraid. This is my first time sitting up here.

Q You didn't see the other witnesses who sat there tremble,

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did you? A I didn't pay that much attention to them.

Q Are you afraid? A I am not afraid, no.

Q Are you afraid of going to the electric chair? A Well, no, I am not afraid of that.

Q Were you afraid on th 23rd of November, when you walked out into the street with the pistol in your hand? A Was I afraid, no.

Q You are not afraid of anything? A No.
in the street

Q You stood there and waited for a policeman to come, didn't you? A I was not particularly waiting for him.

Q What were you waiting for? A I don't know what I was waiting for.

Q You discharged the pistol in the air, didn't you, after you came out? A I don't know whether it went up in the air or across, which way the ball went.

Q Was that before you pressed it to your stomach, or afterwards? A It was afterwards.

Q Then when you pressed it to your stomach you didn't pull the trigger? A I did.

Q How many times did you pull it? A I pulled it once.

Q And then the next time you pulled it, it was this way, and it went up in the air (indicating up in the air)? A I had it in my hand. I don't know in what direction I had it, but it went off anyway.

Q Why did you tell this story to Mr. Murphy that was read yesterday?

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MR. ARANOW: I object to the form of the question.

THE COURT: Objection sustained.

Q Did you answer Mr. Murphy's questions? A I answered some of it, I suppose, I don't remember which, though.

Q Do you really mean to say you dispute anything about that?

MR. ARANOW: I object to that.

THE COURT: Objection overruled.

MR. ARANOW: I respectfully except.

A No, I don't.

Q You don't remember anything about it? A No.

Q You don't remember Mr. Murphy? A No.

Q The man that had the tortoise-shell rimmed spectacles?

A No.

Q You don't remember the man who sat in that chair and told us what you had said? A No.

Q In the station house? A No.

Q You don't remember ever having seen him before? A No.

Q Do you remember seeing Mrs. Hisler when she opened the door for you? A Yes, I remember her.

Q Do you remember walking into the kitchen and saying, "Hello, Belle"? A I do.

Q Do you remember that Belle was standing at the range? A Yes.

Q And do you remember that she was standing with her back to you? A Yes, she had her back to me.

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Q And do you remember taking a pistol from your pocket?

A Well, I don't remember how the revolver got into my hand, taking it out. I really could not account for that.

Q When did you cease to remember? A After she refused to my last answer.

Q You remembered everything up to that time, did you?

A Yes.

Q Then all these drinks you have been telling us about that you had, they didn't affect your memory one bit, did they?

A In what case?

Q The 23rd of November? They didn't affect your memory one bit, did they? A Not up until then, no.

Q You can remember just where she stood, just what she said, 'Can't you? A I don't know about that.

Q You remember getting off at 59th street, don't you? A I did.

Q How did you go up to 71st street? Did you walk or take a car? A I walked up.

Q You remember that, don't you? A Yes.

Q You remember going in to speak to a friend in 63rd street, don't you? A Yes.

Q You remember going into the toilet and unwrapping the pistol and the cartridges and loading the pistol, don't you?

A Yes.

Q What did you say to Belle when you went into the kitchen?

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A I says, "Hello, Belle."

Q What did she say to you? A She did not say anything.

Q Do you remember Mrs. Hisler, saying that she said "Hello" back to you? A I remember her saying that yesterday.

Q Was that true? A No, that is not true.

Q Don't you remember Mr. Birchall saying that you told Mr. Murphy that you said "Hello", and she said "Hello" back to you? You remember hearing that yesterday in court, don't you? A Yes.

Q Was that true? A No, that is not true.

Q It was just a coincidence that Mrs. Hisler and Mr. Birchall made that same mistake, is that so?

MR. ARANOW: I object to that.

Q Well, how do you account for it?

MR. ARANOW: I respectfully object to the question.

THE COURT: Objection sustained.

Q How much is a drink of Old Crow whiskey? A Fifteen cents.

Q You told Mr. Murphy that you started off with \$7.32 in your pocket, didn't you?

MR. ARANOW: I object to that; no such testimony.

MR. WELLMAN: May I be allowed to cross examine and put my questions?

MR. ARANOW: I object on the ground it calls for a statement of fact not in evidence.

THE COURT: does it appear in the testimony of Mr. Birchall?

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MR. WELLMAN: It does.

THE COURT: I will allow it then.

MR. ARANOW; I respectfully except.

MR. WELLMAN: The purpose of these objections can readily be seen, and I ask that I be allowed to cross examine, unless there is some valid ground of objection.

THE COURT: Have you any further objection, Mr. Aranow.

MR. ARANOW: I respectfully object to the question asking or stating that he told Mr. Murphy that he began with \$7.32. There is no such testimony in the record.

THE COURT: Suppose you read exactly what he is supposed to have said.

BY MR. WELLMAN:

Q The question by Mr. Murphy was, "Did you have any money until he paid you? A I did not." "Q How much did he pay you? A It was \$9.32 altogether, but I owed him two, so it would make ^{it} \$7.32 I got altogether."

THE COURT: I will allow that question.

MR. ARANOW: I respectfully except.

MR. ARANOW: I further object to the remark of the District Attorney. I believe I am within my rights. If I in my good faith deem a question improper, I have a right to object on cross examination to a remark before the jury as to the purpose of my objection. I ask the Court to

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please tell the District Attorney to refrain from such remarks.

THE COURT: I will make no comment now on it at all. I have ruled on your objection. If it occurs again, I will say something. Now proceed.

Q You told Mr. Murphy that you started off with \$7.32 in your pocket, didn't you? A I don't remember it.

Q You heard Mr. Brown say on the witness stand yesterday that he gave you seven dollars and some odd cents, he thought it was thirty-three cents, that he owed you?

MR. ARANOW: I object to that.

MR. WELLMAN: May I be allowed to finish my question? Your Honor, it hampers me considerably if the witness is to be allowed to think before he answers each question.

MR. ARANOW: I respectfully object to that.

THE COURT: Pardon me, Mr. Wellman, you will frame your questions and when the question is entirely finished I will hear Mr. Aranow if he makes any objection, and I will rule on the objection.

Q You heard Mr. Brown say on the witness stand yesterday that he gave you seven dollars and some odd cents, he thought it was thirty-three cents that he owed you that, and that he thought he gave you \$7.50, did you hear that?

MR. ARANOW: I object to the question on the ground it is a statement of fact not now in evidence. There is

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no evidence he gave him \$7.32. He said he owed him \$7.32, and he actually gave him \$7.50.

MR. WELLMAN: The ground of the objection is just what was in the question. I said, "He thought he gave you \$7.50," and counsel objected on the ground that it was not \$7.32 but \$7.50.

MR. ARANOW: I am beginning to feel I do not understand the English language.

THE COURT: We will not have any comments, it serves no useful purpose.

(The question is read.)

THE COURT: I will allow the question to be answered.

A I heard him, yes.

Q Is that true or not true?

MR. ARANOW: I object to that, if your Honor please.

THE COURT: Objection sustained.

Q Is it true that he gave you seven dollars and a half?

MR. ARANOW: I object to that, if your Honor please.

THE COURT: Allowed.

MR. ARANOW: I wish to except.

A It must be true, if he said so.

Q Is that in accord with your recollection of what he gave you? A No, I don't know how much I had at all.

Q Mr. Birchall said yesterday that you answered to this question, "Did you have any money until he paid you? A I did not." Is that true? A That is not true.

Q How much did you owe Mr. Brown when he paid you off?

MR. ARANOW: I object to that question on the ground it calls for a statement of fact not in evidence. I don't know that there is any evidence that he owed Mr. Brown anything when he paid him off.

THE COURT: I will allow it.

MR. ARANOW: I beg your pardon, I withdraw that objection.

A Why it was one or two dollars, - I don't know.

Q So when Mr. Birchall said that you answered to Mr. Murphy that "It was \$9.32 altogether, but I owed him two", does that refresh your recollection as to whether it was one or two that you owed him? A No, it don't.

Q You don't remember saying that to Mr. Murphy? A No, I don't.

Q Or anything like that? A No.

Q Was Mr. Brown in the station house? A No.

Q This was at 3 o'clock that same day was it not, that you were questioned in the station house? A I don't remember what hour it was.

Q It was that same afternoon, wasn't it? A Well, it was ~~the same~~ afternoon.

Q That same afternoon, wasn't it? A It must have been.

Q Don't you remember whether it was the same day? A It was the same day, yes.

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Q It was after you were taken to the station house by the police officer, carried to the station house, wasn't it? A Yes.

Q Now, do you remember being brought into a room, a small room in the police station where there were three or four men, two of them police officers, and being questioned? A No, I don't.

Q You don't remember anything about that? A No.

Q Your mind is an absolute blank, you mean, on that? A Well, I don't remember it, no.

Q You have no recollection of it at all? A No.

Q Do you remember being brought to the station house?
A Yes.

Q When did your memory leave you completely, in the station house? A After I sat there in the back room; they had me in the large room in the back.

Q All of a sudden everything went, did it?

MR. ARANOW: I object to that as incompetent.

THE COURT: I will allow it.

MR. ARANOW: I respectfully except.

A They transferred me to the large room, - I don't know.

Q Did everything go all of a sudden? Did you cease to remember and know that you were awake? A My memory were gone, yes.

Q When did it go? A I don't know when it went.

Q What is the last thing you remember? A The last thing I remember is sitting down on a bench.

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Q Who was around you? A There were a couple of officers sitting at a table.

Q Did anybody strike you? A I don't remember it.

Q You don't remember anybody striking you, do you? A No.

Q When did you wake up from this lapse of memory?

MR. ARANOW: I object to that, if your Honor please.

THE COURT: Objection overruled.

MR. ARANOW: I respectfully except.

A I was going out the door.

Q After they had finished questioning you? A Yes.

Q So that just before they began to question you, you lost your memory absolutely, and after they finished questioning you, your memory came back, is that right? A Well, I remember going out the door, after they put handcuffs on me; I remember that.

Q Before you went to the station house, do you remember being questioned in the kitchen by Officer Leonard? A No.

Q When did your memory leave you then?

MR. ARANOW: I object to that as calling for a statement of facts, that his memory left him.

THE COURT: I will allow it.

MR. ARANOW: I respectfully except.

A Well, I might have had my memory, but I was not paying any attention what they was talking about.

Q You answered their questions? A I don't remember whether I did or not.

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Q When did you cease to remember whether you did or not?

A I was sitting off, I know, on a chair in the corner.

Q Was it when you sat on a chair there and they began to question you that you lost your memory? A Yes.

Q When did your memory come back again? A When they were taking me to the station house.

Q Just after they stopped questioning you? A I don't remember them ever questioning me.

Q I thought you remembered them talking to you? A I thought they were talking to themselves. There was about half a dozen there.

Q Then when they began to talk, your memory ceased, and it did not come back until they took you out of the kitchen?

A I was not paying any attention to what they were talking about. I don't remember them even talking to me.

Q They didn't say anything to you? A Not to my remembrance.

Q Now, don't you remember telling Mr. Murphy that you were twenty-eight years old? A No, I don't remember anything.

Q You are twenty-eight years old, aren't you? A I am twenty-eight, going on twenty-nine.

Q Don't you remember telling Mr. Murphy you were born in Alabama? A No, I don't remember.

Q You were born in Alabama, weren't you? A I were.

Q Do you remember telling Mr. Murphy how long you have lived in New York? A No.

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Q You don't remember telling him you lived here fifteen years? A I don't remember telling him anything.

Q You have lived here fifteen years, haven't you? A Yes, about that.

Q You told us that this morning, didn't you?

(No answer)

Q Do you remember telling him your wife's name before she was married was Griffin?

MR. ARANOW: I object to that on the ground it is already answered. The witness says he does not remember anything.

THE COURT: Allowed.

MR. ARANOW: I respectfully except.

A No.

Q Her name was Griffin, wasn't it? A It were.

Q Do you remember telling her first name, when he asked you was her first name Belle, telling him it was Isabella?

A No.

Q Her first name was Isabella, wasn't it? A Yes, sir.

Q Do you remember telling him you met her in New York? A Yes.

Q Do you remember telling him that? A No, I don't remember telling him that.

Q Do you remember telling him you were married in New York?

A I was married in New York.

Q Do you remember telling Mr. Murphy that? A No.

Q You were married in New York? A Yes.

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Q And you met her here? A Yes.

Q Do you remember saying that you lived with her at 219 West 61st street? A No.

Q You did live there, didn't you? A Yes.

Q No you remember telling him that you married there and separated there both? A No.

Q That is true, isn't it? A No, I married in 225.

Q You married at 225? A Yes.

Q You lived at 219 after you married her, didn't you?

A After I was married, yes.

Q Weren't you married in Blanche Wright's house? A I were.

Q And wasn't Blanche Wright's house 219 West 61st street?

A Yes.

Q You were married there? A We were married in 225.

Q What do you mean when you say your wife was crooked?

MR. ARANOW: I object to that question. There is no testimony here that he said she was crooked. I did not hear it this morning.

MR. WELLMAN: Well, I will withdraw the question. There is no use asking it now.

Q Did you ever say your wife was crooked? A I don't remember.

Q Was she crooked? A Crooked? I don't know. What do you mean, crooked?

Q Then you didn't say to Mr. Murphy, "Well, she was just crooked, that's all."? A I don't remember saying it, no.

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Q And he did not ask you, "How do you mean, crooked?", and you didn't say, "How do I mean, crooked? Because the first time I caught her one Sunday evening, I was off duty and she was to go to church with her other two sisters; they all lived in the same building."? A I don't remember saying it.

Q That was true, wasn't it? A Only this was at night instead of the afternoon.

Q You caught her one Sunday evening? A Oh, I see.

Q They got that right? A (No answer)

Q Do you know whether anyone else was in the station house that could tell him that? A No, I could not say.

Q You never had seen Mr. Murphy or Mr. Birchall before in your life, had you? A No; I would not know them now.

Q You don't know any reason why they said you said this if you didn't, do you? A No.

Q You never seen them before that afternoon at 3 o'clock?

A No.

Q When you lost your memory? A (No answer)

Q And this: "And they all three went out together, but they figured I was going to bed." That was right, wasn't it?

A I don't know about the bed, because I was not thinking about bed that time.

Q Weren't you in bed when they left for church? A No.

Q Weren't you resting, lying down and resting? A I was lying down with my clothes on.

Q And you thought that they thought you were resting for the

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218
might?

332

A I don't know what they thought.

Q And then, "But I went up to the corner there for a drink and come on back a little later, see, and when I got in it was around ten o'clock", is that right? A No, I left the house at ten or half past.

Q They say you did. (Reading) "And I wasn't asleep when the other two sisters came in--I asked for my wife, and they says--they didn't give me no decided answer. They say she'll be home later." Did they say that? A I don't remember it.

Q Did they say that, the sisters? A No.

MR. ARANOW: May I at this time say I am following page 123, where it has been supposed to be read into the record. My friend Mr. Wellman reads from another document, which does not agree with what I have here. It says on page 123, "But I went up to the corner there for a drink, naturally." My friend left out "naturally". Then he says, "I wasn't asleep when the other two sisters came in." It says, "Because I seen them and I asked for my wife." "Because I seen them", he left that out, I think. Therefore, unless my friend will bring the hole question in I must object to it.

MR. WELLMAN: I press the question in its present form.

THE COURT: I think the question is proper, because it is calling, not for what he may have said, but what the fact was.

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MR. WELLMAN: I left out "naturally", and left out "seen them".

MR. ARANOW: I respectfully except.

THE COURT: I understand you are being questioned as to what the fact was. In that light I will allow the question.

MR. ARANOW: I respectfully except.

(Previous question read.)

Q Is that what happened? A That is what happened.

Q What church was it you went around to? A The Union Baptist church.

Q It was not the Salem church? A I don't know nothing about that.

Q You never heard of the Salem church? A Selms is pastor.

Q Where is Salem's church? A I don't know.

Q Listen to this: "After that she come about an hour later, and I asked her, "What church did you go to", you know, like a man will do, and she said she went to Salem's church." Is that true? A I don't remember that. There is no church by that name, I don't think.

Q Salem's church? A There is no Salem church in New York City.

Q Salem's church you just said? A Selms.

Q Well, Selms and Salem's sound enough alike for the stenographer to get them mixed.

MR. ARANOW: I object to that.

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THE COURT: Objection sustained.

Q (Reading) "And I was around (at this church, whatever the name is) during my absence, looking for her, and I knew the time that the church let out." Is that right? (Reading) "And I stood on the opposite side of the street to see her when she come past, and I saw the other two sisters come out, but I didn't see her at all, and I waited there until the lights were turned out, and then I blowed on around and beats the other two around there". Is that right? A I don't remember.

Q Is that what happened? A No.

Q You didn't get home before the two sisters did? A No, I saw the two sisters standing in front of the church. The church was turning out when I arrived there.

Q Did you see your wife? A No.

Q It was proper then when they said you didn't see your wife? I mean when they said that you said you didn't see your wife? A That is right.

Q Now, have you ever seen your wife with another man? A I saw her drinking with a man, yes.

Q You arrived at 225 West 61st street, that is where you were married? A Yes.

Q You were married on the 16th day of June, 1913, is that right? A Yes, sir.

Q Now, do you remember saying to Mr. Murphy that there was another time when they lived in 68th street, and she would not

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give you the address after you separated? A No, I don't remember it.

Q Did she live in 68th street? A She did.

Q Do you know between what avenues? A Yes, it is between West End avenue and 11th avenue.

Q Did she refuse to give you the number? A She did.

Q And did you go around to see her at the place where she worked, and tell her you would be better, you would treat her better? A Yes, I have gone there.

Q Now, as a matter of fact, when you left your wife you went to live with a woman named Sylvia Grey, didn't you? A I had a room off her, yes.

Q A room off her? A Yes.

Q You lived with her as man and wife, didn't you? A No.

Q You slept with her? A No.

Q You had sexual intercourse with her? A I might have did that. I don't know I kept as man and wife.

Q She was a married woman too, wasn't she? A I don't know whether she were or not.

Q You did not? A No.

Q How long did you live with Sylvia Grey? A I stayed with her off and on about two months, I guess.

Q See if I can refresh your recollection. You lived at 223 West 60th street with her, didn't you? A Yes.

Q You lived there from October, 1914, until April, 1915, is

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that right, six months? A No, I didn't live there with her six months.

Q You did not? A No.

Q How long did you live with her? A I lived with her two months the longest, and that was not steady.

Q When was it you went to live with Miss Collins, at 58 West 137th street? A I don't know the date.

Q Was it in April, 1915, or thereabouts? A No, it was later than that in the season.

Q Was it May? A About June.

Q When you left Sylvia Grey you went to live at the Victoria on 38th street, didn't you? A No, never lived there.

Q You lived on 38th street, didn't you? A No.

Q Where did you live after you left Sylvia Grey? A I lived 58 West 137th.

Q How was it you came to leave her? A To leave Sylvia?

Q Yes; do you remember telling her you were married? A I told her that at the beginning.

Q How did you come to leave her? A I don't know.

Q Were you tired of her? A No, I was not that close to her.

Q How long after you left her was it you took up with Miss Collins?

MR. ARANOW: I object to the question on the ground

it calls for a statement of facts not in evidence.

THE COURT: Objection sustained.

Q Did you live with Miss Collins? A I had a furnished room

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off her.

Q At 58 West 33rd street? A 133rd.

Q 133rd street? A Yes.

Q You had the third floor front, west room, didn't you? A Yes.

Q And you had sexual intercourse with her too? A About once, yes.

Q How long did you live with her? A I lived with her about six weeks, or probably longer.

Q You only had sexual intercourse with her about once? A About that; I didn't pay no notice.

Q Was this the time you were going to your wife trying to get her to come back to live with you? A No, my wife had disappeared then. Her people were gone to the country and I could not locate her.

Q In the summer, was it? A In the summer, yes.

Q You knew she worked in the country for Dr. Waxman in the summer, didn't you? A That is the first time she disappeared.

Q When you say "disappeared" she went to the country in her employment with Dr. Waxman, is that what you mean?

MR. ARANOW: I object to the question as improper in form.

THE COURT: Allowed.

MR. ARANOW: I respectfully except.

Q Is that what you mean by disappeared?

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BY THE COURT:

Q What do you mean when you say she disappeared? A That is the first time she went out of the City.

BY MR. WELLMAN:

Q You knew she was working for Dr. Waxman? A I do.

Q And when you called around at his office you knew that he had went away for his summer vacation, didn't you? A I didn't go there during the summer months.

Q You knew he would be away, didn't you? A No, that is the first time he went to the country to my knowledge.

Q You just happened not to go around there in the summer, is that so? A Yes.

Q It was not that you thought he would be away? A No.

Q Then how do you know she disappeared, if you didn't go around to look for her? A Because I knew she lived at 34 West 135th street, and I never seen her around.

Q I thought you said that she said she refused to give you the address where she lived? A Yes.

Q You didn't think she had gone away to the country? A I didn't have the least idea.

Q Do you remember now she did? A I don't know; she might have.

Q You were very quick to jump at conclusions where your wife was concerned in her conduct? A No.

Q You didn't give her much chance in judging her, did you?

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A What do you mean?

Q Just what I say. A In judging her?

Q In judging of her conduct. A I don't understand.

Q She never stayed out all night, did she? A Not all night, no.

Q She stayed out once until two o'clock, did she? A More than that.

Q You said a few minutes ago, in answer to your own counsel that she stayed out once until 2 o'clock? A Well, I never put tabs on her every time.

Q Then why did you tell the one occasion if you did not keep tabs? A I did tab it that one time that I remember.

Q Only once you remember? A Only once I remember.

Q Then why did you tell me it was more than once? A Because she stayed out late since then.

Q It was not because you want these men to think your wife was a bad woman, and that you had a right to be angry at her, was it? A No, I didn't want them to think that.

Q Did any one ever tell you that they had seen your wife with another man? A No, sir.

Q You told Mr. Murphy that, didn't you? A I don't remember it.

Q Do you remember saying to him in answer to the question,

"Q Did any one ever tell you they had seen her with another man", and answer, "Well, no, not in the street."? A No, I don't

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remember it.

Q Do you remember his asking you, "Did you ever hear of her being in the house with another man?", and you saying, "Well, not alone"? A I don't remember it.

Q (Reading further) "Not with the two, you know, but she has often gone to places that I didn't like, Because I forbade her to go, you know. She would take in those parlor socials, you know, rough, you understand, and I didn't like it." A I don't remember it.

Q You told us a little while ago she would go to parlor socials, didn't you?

MR. ARANOW: Objected to.

MR. WELLMAN: I withdraw the question.

Q Did she go to parlor socials? A Yes, she did.

Q And you don't remember telling Mr. Murphy that? A No.

Q Were you ever known to talk in your sleep? A No.

Q Did you ever see her with another man? A Yes.

Q When? A I saw her the night of the party in 219 West 61st street.

Q You didn't tell Mr. Murphy about that, did you? A I don't remember it.

Q Do you remember his asking you, "You didn't see her with another man? A I didn't see her, no." A I don't remember it.

Q Did you ever tell her that you didn't like her going out

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with other men? A Yes.

Q Did you ever tell her she was going out with other men?

A I didn't tell her directly she was going with another man. I told her to stop staying out late.

Q You would not go out with her, would you? A I would when she asked me to, yes.

Q Why didn't you go anyway and take care of your wife? A I was willing to go when I was home.

Q You were not working at that time, were you? A No; at the time of separation, no.

Q You were out of work for some time? A Yes.

Q How long? A I don't know about how long it was.

Q Tell us as near as you can? A It was about six weeks or probably more.

Q In fact you would be out of work quite frequently while you lived with your wife? A Yes, sir.

Q You would take a job, make a little money and then you would go and spend it and leave your job, is that right? A Well, yes.

Q And then you took up with this Sylvia Gray, didn't you? A Yes, I stopped with her.

Q How long before you left your wife did you meet Sylvia Gray? A I don't know; a couple of weeks later.

Q How long before you left your wife did you first have intercourse with Sylvia Gray? A About a month, I guess.

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Q About a month before you left your wife? A Yes.

Q Then you wanted your wife to take you back and she said she would take her time about forgiving you, isn't that right?

A Yes.

Q She said you had gone of your own free will, and she was not going to be in a hurry, to take you back, is that right?

A Yes.

Q She knew about your intimacy with Sylvia Gray, didn't she?

A What is that?

Q She knew about your intimacy with Sylvia Gray, didn't she?

A That I don't know.

Q You never told her? A Why, no.

Q Now, you told us a little while ago that the name of this man who worked in 71st street was Grover? A Yes.

Q Do you remember being asked by Mr. Murphy, "Well, what made you determine last night to do it today? A Well, what made me do that, because she gave a party there last night, and I surely think, and if you will trace the matter, you will find it out, that they was giving a farewell party to the fellow she had been with previous." A I don't remember that.

Q Do you remember his asking you this, "Yes, what is his name, do you know?" A His name? No, I don't know his name, but I got a strong idea he used to work here in 71st street, above her, as doorman, when they had colored fellows there? A I don't remember it.

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Q You meant the same fellow that they call Grover now? A
Yes.

Q And this: (Reading) "That tall building, you know, right
next to the hotel Hargrave; he used to work there as a doorman."
That is Grover, isn't it? A That is him.

Q Did you ever see her with Grover? A Yes.

Q You thought that the party was a farewell party, didn't you?
A I didn't have the least idea.

Q Well, did you think it was a party for this man Grover?
A Well, I don't know what it was given for.

Q What was there about the party that made you angry? A It
was because I told her to come up there. I wanted to see her
on some important business. It seems to me she thought more
of the party than she did of me.

Q About that meeting with you? A Yes.

Q And you didn't like that, is that right? A Well, that
is what pressed on my mind.

Q It pressed pretty hard, didn't it? A Yes, it did.

Q And how about Grover? Did you think Grover must have
been at the party? A Well, I thought of him being at the
other party. I don't know whether he was there or not.

Q You didn't think of his being at that party? A Yes,
I thought probably he might.

Q And that pressed on your mind? A Yes.

Q When was it you decided to buy a revolver? A When I

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standing at Columbus avenue, after I had left the job.

Q When was it you decided to leave the job? A On the morning of the 23rd.

Q Was it before or after you heard about that party that pressed on your mind? A It was after.

Q What was the reason for your leaving your job? A I wanted to leave the City.

Q Where did you want to go? A I wanted to go to Detroit, Michigan.

Q Now, you told Mr. Brown that you wanted to leave the City, didn't you? A I did.

Q Do you remember telling Mr. Murphy that you told Mr. Brown: "Well, I had a little family affairs, and I have to leave the City"? A No.

Q You did tell him that, didn't you? A I don't know whether I did or not.

Q Do you remember saying to Mr. Murphy, "I was ready to do the crime then, but I said that because I was afraid he wouldn't pay me. That's why I said it." A I don't remember it.

THE COURT: Mr. Wellman, we will suspend for a moment.

(At this point the Court suspended for a minute and then the trial continued.)

Q I show you People's Exhibit 3. Is that a picture of your wife? A Yes, it is.

Q That is the picture of Isabella Bradford, your wife? A It is.

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Q Did you ever speak to this man Grover about your wife ?

A No, I did not.

Q Did you ever speak to him? A No.

Q Why didn't you speak to him if you thought he was going around with your wife? A He never would let me catch him.

Q He never let you catch him? A No.

Q Did you try to catch him? A Well, not particularly.

Q You knew where he worked? A Yes.

Q Did you ever go around there to see him? A No.

Q Then why do you think he never would let you catch him?

A Because when I would come at the entrance of the Hotel Hargrave, he would be in the front and duck his head when he saw me coming.

Q Then you did go there and look for him? A No.

Q Just when you saw him he would duck his head? A And go back inside.

Q At the time you were questioned by Mr. Murphy, you had not had any lawyer to advise you, had you? A No.

Q You didn't have any lawyer; you had not talked with any lawyer at all, had you? A No.

Q When you bought the gun, why did you use the name of "John Wilson"? A I don't know, I thought I was putting my name there.

Q If you were going to kill yourself, it didn't matter whether you used the name of John Wilson or of Allen Bradford, did it, when you bought the gun? A I don't know what name I put there.

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Q You did not have it in mind that you might want to go away after you killed your wife, and that to have your name down as having bought the gun would incriminate you? A I didn't have the least idea about that.

Q Were you drunk when you wrote this? A No.

Q Were you drunk at all that day? A Not drunk, no.

Q You had your right mind, didn't you? A Yes.

Q You were not doing anything out of the ordinary, were you? A No.

Q You wrote that in a good, steady hand, didn't you? A It is not a steady hand, because I write a better hand than that.

Q You were not afraid and trembling then, were you? A I don't know what condition I was in.

Q Do you remember saying to Mr. Murphy, when you got into the kitchen, you said: "How do you do?", to Belle, "She said 'How do you do', too, but that didn't go for me. I just did that on purpose, I meant to do it, so that's all. I went there for that."? A No, sir, I don't remember it.

Q If you said that, what did you mean by saying, "I went there to do it",--"I went there for that"? A I went there to kill myself, if I said it at all. I don't remember saying it.

Q Why didn't you say to Mr. Murphy you went there to kill yourself? A I thought I did, if I said anything.

Q You thought you did, if you said anything? A Yes.

Q Why didn't you tell the officer in the kitchen that

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you went there to kill yourself? A I don't know. I don't know whether I told him that or not.

Q Did you say anything to Bella about killing yourself when you went into the kitchen? A Not when I walked into the kitchen, no.

Q Did you at any time say anything to her there about killing yourself? A No.

Q If you intended to kill yourself, why didn't you do it when you loaded that pistol in the barrel yard? A I wanted to do it in front of her.

Q You wanted to kill yourself in front of her? A Yes.

Q But did not? A No, I didn't do it.

Q What happened that you did not do it; did she say anything to you that made you angry with her? A I don't know what happened.

Q She just said Hello? A She didn't say "Hello".

Q She did not say anything? A No.

Q Did that make you angry? A I don't know what it did. I lost control of myself. Q How do you mean, you lost control of yourself? A I don't know what happened; all I heard, the explosion of the gun.

Q Do you know how many times you fired it? A No.

Q Do you know whether you fired it more than once? A That I could not say.

Q Do you think you fired it more than once? A I haven't the least idea.

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Q You haven't any idea whether you fired it once or five times, is that right? A No.

Q Do you remember Mrs. Hisler saying on the stand yesterday that after the first shot Belle screamed? A I remember her saying it.

Q Did she scream? A That I don't know.

Q Do you remember saying to Mr. Murphy in answer to the question, "What did she do when you fired the first shot? A She screamed, you know?" A No, I don't remember it.

Q You don't remember that? A No.

Q Do you remember telling him that you fired three shots, if you are not mistaken? A No.

Q You don't remember his asking you, "How many shots did you fire at her? A I fired three if I'm not mistaken."? A I don't know.

Q Do you remember saying afterwards you were not sure whether it was three or four? A I don't remember it.

Q Do you remember saying to him when you said, "She screamed, you know", and this question, "Did she fall down?", and your answering "No, she didn't fall then; she didn't fall until the second bullet hit her"? A I don't remember it.

Q Do you remember his asking you then, "Where did you fire the second bullet at her; did she turn around?", and your answering, "She went to twirl, yes, she went to turn around and I tried to strike her"? A No, I don't remember it.

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Q Did you attempt to strike her? A No, I don't think so.

Q Did she raise any attempt to strike you? A No.

Q Do you remember telling Mr. Murphy? "I tried to strike her; she didn't raise no attempt to strike me; and she fell when the second bullet struck her, and I fired the third one."?

A I don't remember that.

Q (Reading) "When she was down? A When she was falling." Do you remember that? A No, I don't remember it.

Q Do you remember the officers saying that they saw a burnt spot in her clothes at the back of her shirtwaist, do you remember them saying that here yesterday, or one of them? A Yes.

Q Did you tell Mr. Murphy, in answer to the question, "Do you know where the third bullet struck her?" A I don't know where any of them struck her, only I could see fire burning on her shoulder, between her left shoulderblade"? A I don't remember it.

Q Do you remember Dr. Schultze locating one of the bullets right beside the left shoulder blade? A Yes.

Q Now, when you fired the shots, what did you do? A I went into the street.

Q You walked out, didn't you? A I don't remember whether I walked or run.

Q Do you remember telling Mr. Murphy you walked out? A No.

Q What became of Mrs. Hisler? A She went upstairs, she disappeared, I don't know where she went.

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Q Do you remember telling Mr. Murphy that "She was upstairs, she heard the reports of the revolver and she goes upstairs and screamed." A I don't remember it.

Q You remember her saying that, don't you, to the Court, yesterday? A Yes, I remember her saying it.

Q Did you go out the way you came in, through the basement entrance? A I guess I did. I was out in the street when I knew anything.

Q Do you remember telling Mr. Murphy that you pressed the gun to your stomach? A No, I don't remember it.

Q You did, didn't you? A Yes.

Q It was to your stomach and not anywhere else? A Well, I could not swear to that.

Q It was not to your head? A No, it was not up that high.

Q It was to your stomach? A It was only in here somewhere (indicating around right side.)

Q You call that your stomach? A I call this my stomach (indicating pit of stomach).

Q Then you opened the gun up and threw it on the street?
A I don't remember it.

Q You saw a broken piece in the handle today, didn't you?
A Yes.

Q Do you remember saying to Mr. Murphy in answer to the question: "Well, you knew you had done something wrong? A I knew it. I admit it"? A No.

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Q Did you know you had done something wrong? A I don't remember it.

Q Do you remember this question and answer: "You knew it was wrong to do that when you went to do it, don't you? A I must admit that"? A I don't remember it.

Q Will you say you did not make that answer? A I would not say it, no, but I don't remember saying it.

Q Do you remember being asked this question: "Then you didn't make up your mind to kill her until this morning, did you? A Not until this morning"? A I don't remember it.

Q Then again: "And then when you heard this morning about the party that she gave last night, then you made up your mind you were going to kill her? A That just disgusted me, yes, sir."? A I don't remember it.

Q It did just disgust you, didn't it? A In a way, yes, it just pressed upon my mind.

Q When you did this did you have your nerve up, was your nerve already there, or did you need the drinks to get your nerve up? A I don't know about that.

Q Why did you take the drinks? A To drown my troubles.

Q How many drinks do you think you told us this morning that you took? A I haven't got the slightest idea how many I had taken.

Q Do you think that you have told us that you took less than thirty? A I think I did, yes.

Q How many do you think you have told us you took? A I don't

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know.

Q How many do you want to tell us you took? A I haven't the slightest idea.

Q But however many you took, you want us to understand that you were in your right mind, and that you were not doing anything out of the ordinary, is that right? A No, I would not say that.

Q You did say it a minute ago, you said you had your right mind, you were not doing anything out of the ordinary; didn't you tell me that a few minutes ago? A No, I told you --

Q When I stood up near where the stenographer is, don't you remember me asking you? A I was in my right mind until going to buy the gun, I was in my right mind, yes.

Q When you loaded that gun were you in your right mind?
A I could not say.

Q When you walked into the kitchen and saw Belle standing by the range, with her back towards you, were you in your right mind? A I were, up until the time I spoke to her, and she refused to speak.

Q Then all of a sudden you lost your memory? A Yes.

Q Just as you lost your memory all of a sudden, when you were questioned in the kitchen, just so you lost your memory all of a sudden, when you were questioned by Mr. Murphy, is that right?

MR. ARANOW: I object on the ground it is incompetent, in the manner in which the question is asked.

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THE COURT: I will allow the answer.

MR. ARANOW: I respectfully except.

THE COURT: He testified he lost his memory on three occasions.

Q (Previous question repeated) A Yes.

Q You had your memory at all other times that day? A I could not say that, not altogether.

Q Well, what other time didn't you have your memory? A At times I would go off in a trance, it seemed if.

Q That day? A Yes.

Q You seemed to go off in a trance? A Yes.

Q Where did this trance take you? A I don't know; I was thinking about the time she was staying out late and the time she was drinking whiskey out of a bottle with this Grover, and that pressed upon my mind.

Q And made you make up your mind to kill her, isn't that right? A No, I didn't have no intention of that.

Q Do you remember saying to Mr. Murphy, in answer to the question: "You knew what you were going to do, and it didn't change your mind any by having the whiskey? A I did. Whiskey ain't going to change it at all when I got it made up."? A I don't remember it.

Q When you wrote your name there in a clear hand you had your mind made up to kill, didn't you?

MR. ARANOW: Objected to.

THE COURT: Objection sustained.

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Q When you wrote your name "John Wilson" and your address, you had your mind made up to kill, didn't you? A To kill myself, yes.

Q Then you were perfectly calm, your mind was made up? A My mind was made up to that effect.

Q When you rang the doorbell, and Mrs. Hisler came, what did you say to her? A I say, "How do you do".

Q Said it just as you always used to? A If I am not mistaken, I would not say definitely I stated that.

Q You are not sure of the words you used, but you gave her a friendly greeting? A Yes.

Q You did not want her to suspect that you were going in to kill yourself, did you?

MR. ARANOW: I object to that.

THE COURT: Allowed.

MR. ARANOW: I respectfully except.

A I didn't have the least idea.

Q That was not your reason in saying "Hello", as you ordinarily would? A No.

Q But you did intend to kill yourself in the next few instants? A Yes.

Q And you were perfectly cool and calm, and greeted her just the same as you always did, is that right? A Yes.

Q Do you remember asking where is Belle? A No.

Q Do you remember her saying "She is in the kitchen"? A No.

Q You did go into the kitchen, didn't you? A I did.

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Q Do you remember saying something like that? A No, I don't remember.

Q What led you to go into the kitchen and not into the back yard or upstairs? A That was the place I was accustomed to going.

Q You were not excited at that time, were you? A I was not altogether excited.

Q Your wife, after you lived in 61st street, and parted there, lived at 68th street first, didn't she? A Yes.

Q And then on 135th street? A Yes.

Q And that is where she was living when she was killed?

A Yes.

Q So she did not move around and try to get away from you all the time, did she? A Well, she did when she moved in 68th street.

Q She just moved once after you left her? A She moved twice.

Q Once to 68th and once to 135th? A Yes.

Q And both times she lived with her sister, didn't she?

A Yes.

Q You don't call that crooked, do you? A That part of it is not, no.

Q Do you call it crooked that she was working for a living for two years with Dr. Waxman? A No.

Q Do you call it crooked that she went to parlor socials and stayed out until twelve or one o'clock? A I thought it was unjust.

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Q You judged that as unjust? A I thought it was unjust.

Q You thought that that gave you the right to do anything you wanted? A No.

Q Did you think that gave you the right to have intercourse with other women, or live with other women? A No.

Q Did you think that gave you the right to leave your wife and take up with Sylvia Gray? A No.

Q Now, the time you bought this whiskey at seven o'clock in the morning, what time did you get that? A I am accustomed to getting a drink in the morning.

Q You are accustomed to drinking whiskey, is that right?
A Occasionally, yes.

Q It doesn't affect you very much, does it? A No. I didn't drink that much before we separated.

THE COURT: I think we will take a recess.

MR. WELLMAN: Your Honor, I think I can complete this examination in a few moments.

THE COURT: Very well.

Q You don't remember that you paid \$4.50 for the gun and ten cents for the cartridges? A No.

Q You didn't have anything to eat that day at all? A No.

Q Why didn't you have dinner the night before? A I don't know; I was not hungry.

Q Why weren't you hungry? Do you know of any reason?

A A little trouble.

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Q What trouble? A Thinking of my wife.

Q You had been thinking about her for the last year, hadn't you? A Yes.

Q You had been eating right along? A Well, at times.

Q You don't want us to think that you spent any money on breakfast and lunch out of that \$7.32, do you? A No.

Q That is not the reason why you say you took no lunch or breakfast, so it will make more money to spend on whiskey?

A No.

Q Now, do you remember the boy Prince, the colored boy, saying that you came out into the street, and he asked you "What is the matter, George?", and you said, "I killed my wife, and I had good reason for it?" A No, I don't remember it.

Q Had you ever seen that man before? A No.

Q Do you remember that? A I would not say it definite.

Q What? A I would not say it positive, whether I said it or not.

Q Will you say you did not say it? A No, I will not.

Q If you did say it, was it true that you killed your wife and you had good reason for it? A No.

MR. ARANOW: That is objected to.

THE COURT: I will let his answer stand.

Q Then you did not say it? A I would not say that; I don't know if I said it or not.

Q Do you remember Officer Kotschau saying that you said practically the same thing, that you had killed your wife, and you

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had good reason for it? A No, I don't remember it.

Q You had never seen Kotschau before that day, and never had any trouble with him, had you? A No.

Q Do you remember Officer Leonard saying you said that?

A Yes.

Q Was he telling the truth?

MR. ARANOW: That is objected to, if the Court please.

THE COURT: Objection sustained.

Q Do you remember Officer Leonard saying that you said it going inside of the kitchen? A I remember him saying it, yes.

Q You have never had any trouble with Leonard, have you?

A No.

Q You do remember taking some change out of your pocket, don't you? A Yes.

Q That was while you were there with Mr. Murphy, wasn't it?

A I don't know who I was with.

Q I thought you said that your memory left you until you went out of the station house?

MR. ARANOW: I object to that as argumentative.

Q Didn't you say that? A Didn't I say what?

Q That your memory left you from the time you were in the station house, taken into the main room, until the time you were taken out of the station house? A I told you I was not paying much attention to who was talking, and what they were talking about.

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Q Then you don't mean you went into a swoon, or trance, or anything, just you didn't pay attention: is that what you want us to understand? A I want you to understand I was not paying any attention to those people who were there.

Q It was not that you fainted, or anything like that, or you lost consciousness? A Yes, I lost full control of my head.

Q Did everything leave you? Did everything go away like when you go to sleep? A No, not altogether.

MR. WELLMAN: I think that is all.

MR. ARANOW: Will the court allow me just one question. I think perhaps I should have asked these questions before.

THE COURT: Yes.

BY MR. ARANOW:

Q Bradford, do you know now that Grover called upon your wife at 143 West 71st street?

MR. WELLMAN: That is objected to.

THE COURT: Sustained. It is immaterial, what he knows now.

Q Did you then know that Mr. Grover called on your wife at 143 West 71st street? A I don't know whether he did or not.

Q What? A I don't know if he did or not.

Q Do you know now, Bradford, that certain people told the District Attorney that Grover had called on your wife, and was chased out by the doctor, with whom she worked?

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MR. WELLMAN: That is objected to as absolutely contrary to the evidence.

THE COURT: Objection sustained.

MR. ARANOW: I will ask the other questions after recess.

MR. WELLMAN: May we complete with the witness now?

THE COURT: I think we will take a recess now.

Gentlemen of the jury, you are admonished not to converse among yourselves on any subject connected with this trial, or form or express any opinion thereon until the same is submitted to you. The Court will take a recess until quarter past 2.

(At 1:15, the Court takes a recess until 2:15.)

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ALLEN BRADFORD, the defendant, resumed the stand:

RE-DIRECT EXAMINATION BY MR. ARANOW:

Q You told Mr. Wellman before that for a time you felt as if you were in a trance; do you mean that you fainted? A No, I lost control of myself.

Q Did you lose consciousness at any time? A (No answer.)

Q Do you know what I mean by consciousness, did you lose control of your sight or hearing? A (No answer.)

Q You know what a fainting spell is? A Yes.

Q Did you have a fainting spell? A Yes.

Q Where? A In the head.

Q What do you mean by that, I do not quite understand?

A I just felt as though all my brains had gone, I didn't have no sense.

Q But you could see? A Yes, I could see.

Q You could hear? A Yes.

Q What did you mean when you said you lost consciousness?

THE COURT: I do not think, Mr. Aranow -- I may be wrong, but I do not think he said that, did he?

MR. WELLMAN: He said he lost his memory.

THE WITNESS: I lost my memory.

Q You lost your memory; what did you mean by that?

A Well, I lost my memory of hearing the men talking to me at the station house, I do not remember anything they said to me, although I knew they were talking.

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Q Did you have a paper in your hand? A No.

Q Did you have a pencil in your hand? A No, I do not remember.

Q Did you have any mechanism joined with your mind at that time whereby you marked down the times that you remembered or you did not remember? A Well, I don't remember anything that was said now, I couldn't give it.

Q Do you remember a man that had very large glasses, tortoise shell glasses, questioning you at all? A No.

Q You do not? A No.

Q Supposing you write the name, write the words John Wilson, please (handing paper to witness).

MR. WELLMAN: This is all new matter, your Honor, not re-direct examination.

THE COURT: I think so. I do not think we will go into that.

MR. ARANOW: I believe Mr. Wellman brought out in his cross examination that -- or questioned him as to whether or not he was in his normal mind or in normal state at the time he wrote the words John Wilson.

THE COURT: I recall the examination. I do not think that I will allow you to go into that any further.

MR. ARANOW: I respectfully except.

THE COURT: When I say I do not allow you to go into it any further, I merely have reference to the question that

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you last put, the objection to which I sustained.

MR. ARANOW: I see.

Q When you wrote the name of John Wilson were you as cool then as you are now sitting in this chair? A No, I wasn't.

THE COURT: I think you interrogated him about that on the direct; that is my recollection.

MR. ARANOW: Yes, your Honor. If the Court pleases, I had made sundry notes for my re-direct, and my assistant, Mr. Thorne, has not returned, so I have not that with me; I am trying just to exhaust my memory at this time.

THE COURT: Well, we will wait until you have your notes.
BY THE COURT:

Q In what saloon did you buy as you say the pint of whiskey on the morning of November 23rd?

MR. WELLMAN: It was a half pint, I think he testified.

Q Half pint of whiskey, I should say? A At the Hygrade wine and liquor store.

Q Do you know the name of the man who sold you the half pint bottle? A No, sir, I do not know his name.

Q Have you seen him before, as far as you can recall?

A Well, I have seen him, yes, sir.

Q Did you see anyone in that store on that morning that you bought the half pint bottle whom you knew at the time you were buying it? A No, sir, I do not.

Q I understood you to say that you bought some drinks of

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Old Crow whiskey at a place on Columbus avenue between 98th and 99th streets in the middle of the block; is that so? A Yes, sir.

Q Was that the same place at which you had purchased the half pint bottle? A No, sir.

Q Did you know anyone in the saloon on Columbus avenue between 98th and 99th streets? A No, sir.

Q At the time you were buying those drinks? A No, sir, I did not.

Q You did not see anyone in there that you knew? A No, sir.

Q And is that true of the other places where you say that you bought drinks, that you did not see in any one of them anyone that you knew? A Yes, sir, it is true.

BY MR. ARANOW:

Q I believe you answered the District Attorney that you did not do anything extraordinary at that time, is that right?

A At what time do you mean here?

Q He asked you whether you were not sober, whether you understood your acts and did not do anything extraordinary when you went into the house at 143 West 71st street. A Well, I didn't do any more than walk through.

Q I see. Well, what did you do in the kitchen? A Oh, in the kitchen I saw my wife drinking whiskey with this Grover.

Q I am talking about 143 West 71st street. A Oh, yes. I just walked straight into the kitchen.

Q Did you do anything extraordinary there? A I don't re-

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member doing anything; all I remember the revolver exploded and I don't remember anything more.

Q Were you in your right mind then? A No, I couldn't say I was in my right mind.

THE COURT: I think you have been over that on your direct.

Q The District Attorney asked you why you went into the kitchen. Do you know where Belle was employed?

MR. WELLMAN: That has all been ^{gone} over. He has answered.

THE COURT: He gave an answer to the District Attorney, he said that is where he was in the habit of seeing her.

MR. ARANOW: If that is satisfactory I withdraw the question then.

MR. WELLMAN: Satisfactory -- I object to it as already gone over.

THE COURT: I sustain the objection.

Q Now, the address that you gave on that paper that you signed, is that the address where you lived at? A It were, yes.

Q That was the address that you lived at at that time?

A Yes.

Q You testified, I believe, that you went -- you moved from your wife's house and you went to live somewhere else with a person whose name I do not now recall, with some woman --

THE COURT: Some one by the name of Gray, I think.

THE WITNESS: Sylvia Gray, yes.

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Q Now, I believe your testimony was that that was one month before you left your wife, is that your testimony? A One month afterwards.

Q One month afterwards? A Yes.

MR. WELLMAN: He said that; it has been answered, your Honor.

THE COURT: I think you misunderstood him. I think that was that he said that he had sexual intercourse with this woman by the name of Gray before he left his wife.

MR. ARANOW: I will ask him.

Q Did you have sexual intercourse with the woman by the name of Gray before you left your wife? A Not before, no.

Q When? A It was a month afterwards.

Q After you had moved into her apartment? A Yes.

Q You also testified that you were out of work for a period of several weeks; now, what did you do those several weeks?

A I was looking for work.

MR. WELLMAN: This is all new matter; not re-direct.

THE COURT: Well, I will let his answer stand.

Q Were you out of work any time any longer than a period of six weeks or two months? A No, not any time.

MR. ARANOW: That is all.

RE-CROSS EXAMINATION BY MR. WELLMAN:

Q Who did you talk to in the lunch hour? A What is that?

Q Who did you talk with in the lunch hour, since you were

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on the stand this morning? A No one.

Q You did not talk with your lawyer? A Not at this lunch hour, no.

Q You did not talk with either of these gentlemen here?

A No.

Q Think it over now before you answer me. A No, I did not.

Q After you left the stand this morning? A I did not talk to anyone.

Q All right. That is all.

MR. ARANOW: Louis Heisler!

(No response.)

MR. ARANOW: The defendant rests.

DEACON MURPHY, called as a witness in behalf of the People, his examination having been reserved until this time, being duly sworn, testified as follows:

(The witness states he resides at 40 East 39th street.)

DIRECT EXAMINATION BY MR. WELLMAN:

Q You were formerly a deputy Assistant District Attorney, were you not? A I was.

Q And you are now practicing counselor and attorney at law?
A Yes.

Q You examined the defendant, Allen Bradford, on the afternoon of November 23rd, did you not? A I did.

Q Relative to the shooting of his wife, Isabella Bradford, in premises 143 West 71st street? A Yes, sir.

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Q Do you recall about what time it was and what place it was that you conducted the examination? A I do.

Q Where, and when? A Why, it was in the afternoon about 3 o'clock that I first started talking to him. The place was in the captain's room of the 28th Precinct station house, which is located on 68th street between Broadway and Tenth avenue.

Q And who was present when the hearing began, the examination? A Well, my stenographer Mr. Birchall and several police officers, one uniformed officer from the precinct, and a plain clothes man from the Fourth Branch.

Q They came in, did they, during one time or another of the examination? A Well, several other officers came in at one time or another, Captain Cooper and one or two other men from the branch.

Q And were you at that time in charge of the Homicide Bureau of the District Attorney's office? A I was.

Q And was Mr. Birchall the stenographer of the Bureau?
A He was.

Q Did you take notice of the appearance and condition of the defendant at the time that you were questioning him?

MR. ARANOW: I object to the questions on the ground they are leading.

THE COURT: I will allow it.

MR. ARANOW: I respectfully except.

A I did.

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Q First, did you notice his condition as to sobriety?

MR. ARANOW: I object to the question on the ground it is incompetent, improper in form and leading.

THE COURT: I will allow it.

MR. ARANOW: Exception.

A I did.

Q What was it? A In my opinion, he was sober.

MR. ARANOW: I move to strike that out, if your Honor please.

THE COURT: I will allow it to stand.

MR. ARANOW: I respectfully except.

Q Did you observe any evidences of drink about him?

A Yes, sir.

Q What? A There seemed to be a slight odor on his breath.

Q Yes. Did you notice any other signs of drink?

MR. ARANOW: I object to that, if your Honor please, on the ground it is incompetent, improper in form and calling for a conclusion on the part of the witness.

THE COURT: I will allow it.

MR. ARANOW: I respectfully except.

A None that I recollect at this time.

Q Did he answer the questions incoherently or coherently?

MR. ARANOW: I object to the question on the ground it is incompetent, improper in form and leading.

THE COURT: Sustained.

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Q How did he answer the questions?

THE COURT: I do not think I will allow the witness to express an opinion as to the manner in which the questions were answered.

MR. WELLMAN: All right.

Q Tell us about his manner, anything else that you noticed about him. A He sat directly across the table from where I was sitting, and he spoke to me when I spoke to him, he spoke in answer to my questions. Immediately after my question was put he made these answers. And we neither of us, I think, had any difficulty in understanding each other.

MR. ARANOW: I move to strike that out as being irresponsible.

THE COURT: I think I will strike out "neither of us had any difficulty in understanding each other." Strike that out, and the jury will disregard it. He may testify that he had no difficulty in understanding the defendant.

Q Did you have any difficulty in understanding the defendant?

MR. ARANOW: I respectfully except.

A I did not.

THE COURT: I will allow it.

MR. ARANOW: I respectfully except.

Q And do I understand you to say that his answers were given promptly to your questions?

MR. ARANOW: I object on the ground it is incompetent,

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improper in form and leading.

THE COURT: I will allow it. It appears to be a summary of what the witness already said.

MR. ARANOW: I respectfully except.

A Yes.

Q Did you afterwards read the transcript of the minutes which was made by Mr. Birchall of the examination?

MR. ARANOW: I object, if your Honor please, on the ground it is incompetent, improper, and not showing any definite time, not connected with the time when the examination was held; "afterwards" might mean yesterday.

Q Well, did you at any time, yes or no?

THE COURT: I will let him answer that.

A Yes.

MR. ARANOW: I respectfully except.

Q When? A At the time the copy was furnished to me by Mr. Birchall, about two to three weeks subsequent to the examination.

Q And did it accord with your recollection of the examination?

MR. ARANOW: I respectfully object on the ground it is incompetent, improper in form and leading.

Q Yes or no?

MR. ARANOW: The same objection.

THE COURT: I think I will let him answer.

MR. ARANOW: I respectfully except.

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A It did.

Q Now, have you ever read it since that time, the transcript?

A Not since the time it was given to me by Mr. Birchall.

Q And was that -- you say about two or three weeks after the examination? A That was about a month ago, I should say, possibly longer than that.

Q Will you state as best you can from your recollection the substance of the examination, the story told you by the defendant at that time?

MR. ARANOW: I respectfully object to that, on the ground it is incompetent and improper rebuttal.

THE COURT: I will allow it.

MR. ARANOW: I respectfully except.

MR. WELLMAN: I would like to have that objection withdrawn. I think in view of the fact that I reserved the right to call this witness when I rested my case --

MR. ARANOW: If the Court please, I objected --

THE COURT: I have allowed the examination.

MR. ARANOW: I respectfully except.

THE COURT: I have allowed the examination because I consider it proper.

A I first told him what my name was, and what my position was, and that he was under arrest charged with having shot his wife that afternoon. That I was going to ask him some questions about what happened, and that he need not answer those questions

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unless he wished to do so, and if he did say anything it could be used against him if he was brought to trial at a later time.

And I asked him if he understood what I had said to him, and he said he did. And I then asked him a number of questions about the occurrence, and he made answers to all the questions.

I do not recollect the verbatim questions put, or the answers made, but the substance of what he said was that he had been living apart from his wife for about two years. That he was working as an operator of some kind in an apartment house. That on the morning of the occurrence he had had a conversation with another colored man in reference to a party which his wife had given the night before.

He then said that he himself had on the day before called up his wife and asked her to come up and see him, and that she had said she could not do it. He said that the information that he got about the party that she had given irritated him, and he made up his mind that that was simply an excuse, and that he was going to kill her. That he went to his employer, the superintendent of the building, and asked to be given his money and discharged.

Q Do you remember whether or not he said whether he had any money at the time?

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MR. ARANOW: I object to that, if your Honor please, on the ground it is improper and leading.

THE COURT: Well, we will exhaust his recollection, Mr. Wellman, entirely in regard to the matter, and then you may ask him leading questions.

Q Go on from where you left off, then, Mr. Murphy. A He said that he received from his employer the sum of about \$7. That it was not all that was due to him, that he was owed about \$9, but I think he said he owed \$2 to the employer, money that had been advanced to him.

That after getting the money from the employer he put on his best things and went over to New Jersey. After arriving at New Jersey -- I think he said he took a ferry from Cortlandt street, somewhere downtown.

That he walked straight down a block that had street car tracks on it, and he went into a place and bought a revolver and five cartridges. He told me what he paid for the revolver and the cartridges; I do not remember what the sums were now.

He said that he then came back to New York and came uptown, I think on the elevated. That he got off the elevated and went into a saloon and loaded his revolver. That he had several drinks.

That he went uptown to the place where his wife was working, which was at 143 West 71st street. That he went in

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by the basement door, which was opened to him by the lady who worked there. That he went directly into the kitchen on the rear of the floor.

That his wife was standing over near the stove. That as he went into the kitchen door which was open, and which he left open, he said to her, "Hello.", and that she said to him, "Hello." Then he said, "That did not satisfy me", and I said to her, "I have got something for you," or something like that, and he went over toward her.

She was standing with her back turned toward him, and when he got a distance of a few inches away from her he fired into her body. That as she fell he fired again.

He did not remember whether he fired all together three or four shots. She fell on the hearth in front of the stove. That he turned around and went out into the street. That when he got into the street he fired a shot into the air, to attract the attention of the police, and that he threw the revolver down on the pavement and waited until the officers came. That is the substance of it as I recollect it.

Q Now, have you told us all that you recollect of the examination? A I recollect that he said that he was glad that he had done it, and that he did not want to wait for a trial. Would we please take him out and hang him right away, I think he said. Further than that I do not recollect anything more.

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Q Do you remember whether he said anything about having any money before he was paid off by his employer? A I remember that I asked him [whether he did have any money before he was paid off, and he said he had none.

Q Do you remember whether you asked him anything about what effect, if any, the drinks he had had produced on him, had on him, and what answer he made? A I remember that I asked him [that, and he said they did not bother him. I will not say that those were his exact words, but that was the answer approximately. *Set*

MR. WELLMAN: You may examine.

CROSS EXAMINATION BY MR. ARANOW:

Q You were then in the employ of the District Attorney?

A I cannot hear you, Mr. Aranow, when you turn your back to me.

Q I beg your pardon. You were then in the employ of the District Attorney? A I was. *~*

Q When did you last read those minutes that you testified to? A As I testified to, when they were given to me by my stenographer.

Q When did you read them last, Mr. Murphy? A That is the last time.

Q About two weeks ago? A About a month ago.

BY THE COURT: Q Mr. Murphy, did you see the defendant as he was in the act of coming into the room in which you were?

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A Yes, sir, I saw him then, and I saw him about a half an hour before I examined him.

Q Where was he when you saw him a half an hour before you examined him? A He was sitting then in the rear room, the big room of the station house, together with a number of other witnesses, and I examined the witnesses first, two of them, I think, if not three, before I examined the defendant.

Q And your examination of the others, did that take place in the same room in which you afterwards examined the defendant?

A Yes, your Honor, in the captain's room.

Q You were there in that room when the defendant was brought into it, or came into it? A I was either there or on the floor of the precinct station house just outside the door.

Q Did you at any time that day observe the defendant while the defendant was in the act of walking? A I think on two or three occasions, your Honor, I did.

Q When first? A My recollection is that he was told to stand up and go into the front room when I first came into the station house, and that I said, "No, I want to talk to the witnesses first," and he then went back to where he was seated in the back room. At that time I was in the back room. I saw him also when he was brought into the captain's room, and I saw him when he left the captain's room.

Q Now, on those occasions did you observe anything with respect to his walk; was there anything about it that attracted

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your attention? A No, sir.

Q It was in the station house that you saw the defendant that day for the first time, is that so? A To my knowledge, your Honor, yes.

THE COURT: Examine, Mr. Aranow.

BY MR. ARANOW:

Q When you were in there and asked him whether or not he wished to make any answers, and that any answers that he might give could be used against him, you ^{there} went in order to use that for a trial, didn't you? A If the case came to trial, yes.

Q You said you were there to get evidence? A Yes, sir.

Q You were one of the assistants of the prosecuting attorney's staff? A I was.

Q And the only reason you asked him that was to -- in case this matter came to trial, that you would be able to testify that "I asked him whether or not he wished to make any statement, and if he made any statement it could be used against him," wasn't that your only purpose? A The question is a little involved, Mr. Aranow.

Q I will try to make myself plain: the only reason you had for asking the man any question or making any statement to him at that time that you were going to ask him several questions, and if he did not want to answer them he need not do so, and if he did answer them it could be used against him -- now, the only purpose of that was in case this matter came to a trial

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that you would be able to come on the stand and testify to that effect? A If you mean -- and I do not want to have any misunderstanding with you on your question --

Q I never do. A If you mean what was my reason for telling him --

Q Yes, yes. A That I was going to ask him questions, and that anything he said could be used against him -- is that what you mean?

Q Exactly; wasn't that your purpose, Mr. Murphy, that in case this matter reached a trial that you would be able to come here on the stand and testify that you gave him that warning?

A My reason for telling him that, sir, was so that in the event of his wanting to make any statement to me he would understand that what he did say at that time could be used against him. I did not want to obtain any statement from him under any misunderstanding of the facts.

Q Is there any law of the State of New York requiring you to make that statement as a prosecuting attorney? A None that I know of.

Q And yet you stopped to warn this man? A As is my custom.

Q As is your custom. And you had no intention at that time, then, to take the stand against him? A If I was needed to testify I certainly should take the stand, it is my duty.

Q So that you could testify to the very fact that you gave him a warning? A Yes, sir.

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Q You said, if you remember, that he testified that he was going to kill her -- kill her -- and that he was glad of it; is that right -- or that he made that statement? A At different times during the conversation, yes.

Q Would you please consult your former associate and point out to me that part of the testimony where you gave that testimony?

THE COURT: No, there is no testimony at all -- I mean to say what you refer to as testimony is not.

MR. ARANOW: I see.

THE COURT: If you want him to consult his memoranda, or any -- I cannot hear you, Mr. Aranow, and I should be very glad to know what you are saying.

MR. ARANOW: Mr. Wellman asked me to explain what my question was, and I explained it to him as best I could.

THE COURT: Very well.

Q Did he make any statement to you that he did not want to wait for trial? A He did.

Q And that he wanted you to go out and hang him? A He asked -- he said, "Won't you take me out and hang me right away?"

Q Now, will you please show me where that statement was made? Have you got the stenographic minutes? A I have not.

Q You took everything down? A Yes. I am not in the District Attorney's office at the present time, Mr. Aranow. I do not know where they have the papers.

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MR. WELLMAN: Here it is: "I ain't particular about no trial at all, just go on and kill me. Do what you want to."

MR. ARANOW: If the Court please, I did not ask Mr. Wellman any question, I asked Mr. Murphy.

THE COURT: Well now, proceed, please. Another question to the witness.

Q I show you this paper, I do not know what it is, and ask you to show me where it says, "I am glad to have done it; I don't want to wait for a trial; take me out and hang me."

THE WITNESS: The paper shown to me by counsel, your Honor, is the stenographic ~~report---~~

MR. ARANOW: I move to strike that out, if the Court please, as being irresponsible.

BY THE COURT:

Q Well now, does the paper that you have in your hand enable you to answer the question put by counsel? A I can examine it, your Honor.

Q You may look at it. A I should like to have it identified in some way.

THE COURT: Well, do you want to mark it as an exhibit for identification?

MR. ARANOW: I believe it is already so marked.

MR. WELLMAN: I think it is People's Exhibit 12 for identification. There is a number reserved for it.

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THE COURT: Very well.

THE WITNESS: On page 22 --

BY MR. ARANOW:

Q Do you find any question such as I have asked you?

THE COURT: You mean any such statement.

Q Any such statement? A I find a statement in here about his being desirous of being punished, yes.

Q I see. But do you find any statement such as "I am glad to have done it; I don't want to wait for a trial; take me right out and hang me."? A I find the statement, "I ain't particular about no trial at all, just go on and kill me. Do what you want to." and at a later time -- that is on page 22 --

MR. ARANOW: I submit, if the Court pleases, that is not a proper answer to my question.

THE COURT: Now the answer, as I take it, of the witness is that he does not find any statement in those words.

MR. ARANOW: Yes.

THE WITNESS: Not in those words, your Honor, thank you.

THE COURT: He has called your attention to what he conceives to be the statement that he had in mind, ^{as} and I take it.

MR. ARANOW: Yes.

Q Now, Mr. Murphy, do you recall him telling you about going to 98th street and Columbus avenue and stopping in at a liquor store? A No, I do not.

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Q. You do not recall that at all? A. No.

Q. Do you recall him telling you that he had about ten drinks of whiskey? A. Yes, sir.

Q. And did you recall that when Mr. Wellman questioned you?
A. I did not, not the specific number.

Q. Do you recall him stating anything about going into a hardware store for a pistol? A. I do not know whether he characterized the store where the pistol was bought or not.

Q. Do you recall him mentioning a hardware store? A. No, sir, I do not. I should have to refresh my recollection.

Q. Now, in that captain's room -- would you please describe it, the furniture inside of it, if you can? A. Well, there was a table in the center of the room; the defendant was seated on the farther side of that from the door. My stenographer was seated across from him, and I was sitting next to my stenographer.

Q. How big was that table, would you say? A. I should say the table was about a little bit larger than the counsel table there (indicating).

Q. Right here (indicating)?

BY THE COURT:

Q. About how far would you say, Mr. Murphy, that you were from the defendant at the time you were asking him questions and he as you say was making answers? A. Variously, from three to five feet, your Honor.

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BY MR. ARANOW:

Q You were seated at all times during the time that you asked the questions? A Yes.

Q And your stenographer was sitting with his back towards the door? A Yes.

Q And you were sitting next to him? A He was either sitting with his back toward the door or he was sitting at the end of the table with his back toward the window, I do not remember which.

Q He testified yesterday he was sitting with his back toward the door. Does that refresh your memory any? A Yes, I think that was right.

Q And you were sitting next to him? A I was sitting on his right.

Q And you say the defendant was on the opposite side of the table? A Yes, sir.

Q And the table was longer than the counsel table here, is that right? A No, the larger table of the two; you have two tables there.

Q This one here? (Indicating.) A Yes, the one you have your fingers on.

Q And the defendant was sitting on the opposite side here?

A No.

Q Where? Where then? I asked you whether the defendant was sitting about opposite you. A The defendant was sitting

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about where your associate is, about the middle of the table.

Q Right here (indicating)? A Yes.

Q You examined several witnesses before this defendant came in? A I think I examined two witnesses before he came in, in the station house.

Q How many witnesses were there all together? A I talked-- in the station house, or elsewhere?

Q Elsewhere. A All together?

Q Yes. A Well, I spoke to the doctor, and I spoke to the--

Q How many, Mr. Murphy? A What?

Q How many means a number. A I was trying to count up. This thing happened almost two months ago, you remember. One, two, three, four, five, six--eight or ten witnesses.

Q Did you take statements from all of them? A Yes, some oral, some stenographic.

Q Can you recall any of the names of those witnesses, at the present time? A I cannot. I know who they were, but I do not know what their names are.

Q When you asked this defendant how many drinks he had and he answered he had ten--do you remember that? A Yes.

Q You asked him then where he stopped off the first place, after he had left 251 West 38th street--do you remember that?

A No, I do not.

Q You don't remember him-- A I do not recollect 98th street at all, Mr. Aranow.

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Q You do not remember him going into that part at all. Did you at any time inquire as to the places where he had those ten drinks? A From him?

Q Yes. A Yes.

BY THE COURT:

Q Do you remember his saying anything about a place at Columbus avenue between 98th and 99th streets, a saloon in the middle of the block? A I do not, your Honor. I do not remember anything about the uptown location at all.

BY MR. ARANOW:

Q You say you recall having asked him where he had those ten drinks? A Yes.

Q Now can you recall where he had them? A I cannot.

Q Were they recorded by your stenographer, Mr. Birchall?

A His answers were recorded, whatever they were.

Q They were, all of them? A (No answer.)

Q Now, will you please look through that paper you have in your hand, People's Exhibit 12 for identification, and try and refresh your memory as to where he had the ten drinks that he testified to? A By referring to this, Mr. Aranow, I am able to refresh my recollection as to --

Q I want you to look at it. Now, if you refresh your recollection, just tell me so. A I find that he states before he went to Jersey he went to a place across from Greenberger's or some place here in 98th street -- or between 98th street and

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99th street, and he had a drink there of whiskey.

MR. WELLMAN: What page is that?

THE WITNESS: That is on page 30 of the transcript.

Q I am asking you whether or not after looking at that paper that you have, can you refresh your memory as to what answers he gave to your question where he had **those** ten drinks? A I can.

Q Please now tell me after refreshing your memory, where did he have those drinks, or where did he say he had those drinks -- after looking at this paper, and please do not read from the paper. A He stated before going to Jersey he had his first drink in this place, Greenberger's, up in the neighborhood of 98th street, and stated that after coming from Jersey he had drinks in a place in 63rd street and Tenth avenue, and that from there he went directly up to West 71st street.

MR. ARANOW: No, no.

MR. WELLMAN: Now, let us get that.

A (Witness repeating:)--and that from there he went directly up to West 71st street.

MR. ARANOW: I respectfully ask the Court to strike out the last part of the answer as being irresponsible.

THE COURT: Yes, strike it out.

Q Did he in his statement to you account as to the places where he took ten drinks? A He mentioned those two places where he had drinks.

Q Did you question him as to where he had ten drinks?

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A I do not think I did any further than I have already stated.

Q Merely the one he had in 98th street and Columbus avenue, and that he had drinks in 63rd street; did you inquire how many drinks he had in 63rd street? A I do not recollect whether I did or not. The record will show that.

Q Will you look and see whether it refreshes your memory?

A I will be glad to.

Q And if it does so, please signify. A No, I do not find I asked him that question.

Q How long have you been connected with the Homicide Bureau, Mr. Murphy? A About three years.

Q And from your experience in the Homicide Bureau you knew that ten drinks would have an effect upon a man's mind as to the nature of his acts?

MR. WELLMAN: That is objected to.

THE COURT: Sustained.

Q Tell me why didn't you ask him and verify at that time as to whether or not he had ten drinks or not? A I asked him how many drinks he had, and he said he had ten, and then he stated that --

Q And did you believe him? A No, I did not.

Q Why didn't you verify it?

MR. WELLMAN: Now, that is objected to. Perhaps he did, your Honor.

THE COURT: Sustained.

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Q Did you verify it? A I do not know whether the officers verified it or not; personally I did not.

Q Did you verify it? A Personally, no.

Q Did you send anyone to 98th street to find out whether or not he had any drinks? A I think I spoke to one of the detectives about it.

Q Did you send anyone, Mr. Murphy? A I cannot tell you off hand whom I did send if I sent anyone.

Q Did you send anyone; did you send anyone? A I will not say that I did or that I did not, Mr. Aranow.

Q Mr. Murphy, you testified as to what he said when he went into that room first, you repeated the conversation; now, you were not nervous at that time that you took the examination?
A No, sir.

Q Perfectly cool? A Yes, sir.

Q Calm? A Yes, sir.

Q Collected? A Yes.

Q And going about it -- your business as you usually do?
A Yes.

Q Do you remember him saying anything to you about having taken the gun and pressed it to his abdomen, or his belly, as he called it?

THE COURT: Stomach.

Q Stomach? A I do not recollect his having said anything to me about his putting the gun to any one specific portion of

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his anatomy.

Q Do you recollect him saying that he put his gun to any part of his anatomy? A No -- I recollect his making a statement in a somewhat different manner, Mr. Aranow.

Q Well, did he -- do you remember any statement whatsoever, Mr. Murphy, wherein the defendant told you at that time that he put his gun to any part of his anatomy? A I do not remember whether he said he put his gun to any part of his anatomy or not, but I think he did say he tried to kill himself; that is what I am trying to get at; I do not remember exactly how he said he tried to do it.

Q When the defendant was brought into the room where you were seated, the captain's room, he was accompanied by a detective? A He was either accompanied by a detective, a police officer, or a door man.

Q Anyway, there was some one at that time with him?

A Some one was with him.

Q Holding him by the arm? A No.

Q Walking with him? A Walking with him.

RE-DIRECT EXAMINATION BY MR. WELLMAN:

Q Mr. Murphy, you were asked whether you made any verification of the defendant's statement to you about having had about ten drinks. Now, do you remember whether or not you asked him after that what money he started out with, and then made him produce what he had and counted it?

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MR. ARANOW: I object, as already having been covered by the District Attorney, and as improper re-direct.

THE COURT: I will allow him to answer.

MR. ARANOW: I respectfully except.

A I do recollect. I asked him what money he started out with, and I asked him to produce what money he had left, and he brought out some change, and we laid it down on the table between us, and I counted it and he counted it.

Q Now, when you asked him how much he had to drink today, will you refresh your recollection from page 30 and state, if you can, what his answer was, whether it was ten drinks, or about ten drinks?

MR. ARANOW: I object to that, if your Honor pleases, on the ground that the witness is allowed to look at a paper before exhausting his memory on it.

THE COURT: Oh no, you have exhausted his recollection on it. I will allow him to look at the paper.

MR. ARANOW: I respectfully except.

A In answer to a question as to how much he had to drink, I find the exact answer that he made was, "I must have had about ten Old Crows. That is before the accident."

Q Yes, then do you remember asking him whether he knew what he was going to do, and did not change his mind through having the whiskey?

MR. ARANOW: I object to that, if your Honor please,

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on the ground it is improper re-direct examination; I have not touched on any part of that testimony at all.

THE COURT: I think I will sustain that objection.

MR. WELLMAN: That is all. The People rest, your Honor.

MR. ARANOW: The defendant rests.

THE COURT: Mr. Aranow, I suggest that if you have any motions to make you may make them now.

MR. ARANOW: I ask the Court at this time to please direct the acquittal of the defendant on the charge of murder in the first degree, on the ground that the People have wholly failed to establish the crime against the defendant in all the essentials required therein in the code of criminal procedure.

THE COURT: Denied; and you have an exception.

MR. ARANOW: I respectfully except.

(Mr. Aranow closed the case to the jury in behalf of the defendant as follows:)

full measure

If it pleases the Court, Mr. Foreman, and Gentlemen of the Jury: It becomes my duty at this time to sum up the case before you. You will recall that when you were first chosen as jurors I particularly asked of you whether or not you would take everything into consideration in forming your final decision as to the question of the guilt of this man. Let me in the outset tell you that it is not my contention, nor the contention of my associate, Mr. Thorne, that this

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man, Bradford, charged with the degree of murder in the first, is innocent. That is not our claim. My friend Mr. Wellman, who is able, and has been here a long while, has foreseen my defence, and he has tried very hard to prove an alibi, and I will try very hard to disprove his alibi.

Start here and return this sheet to middlebrook

You were sworn to listen to the testimony and take consideration of everything that was given as testimony here, and apply that to the law, and then form your judgment as to what was the extent of the guilt. I am not going into the legal definitions of the different degrees of homicide. I am going to leave that to the very honorable and able Court. He will charge you when a man is guilty of murder in the first degree, when a man is guilty of murder in the second degree, when a man is guilty of manslaughter, which is also a form of homicide, in the first degree, and when he is guilty of manslaughter in the second degree. I asked you nothing, I made you promise me nothing, excepting to give this defendant a fair and impartial trial, and do likewise by the State of New York. I am only an officer of the court, assigned by the court to do my duty -- this is no retainer or anything of that sort -- assigned by the court to do my duty, and I will endeavor to do it to the best of my ability.

You gentlemen have heard testimony. Testimony is not always evidence. I particularly asked you, each juror

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sworn, -- and you have seen me examining a good many men that day -- but there was one question that I asked each juror, and this was, "Will you carefully consider of the circumstances, acts and facts in the case as it was a matter of greatest importance to you, and consider everything in forming your judgment," and every man on this panel answered me that he would, because that is the very thing that I want you to do. The fact that a man gave testimony here, you are not bound by that. You are only bound by the testimony which you give credence and belief to, and the reason I asked you that time whether or not you would give it the same consideration as you would a matter of great importance to you, was because I wanted you to scrutinize every piece of testimony there, and see whether or not you in the same position would do the thing likewise, or whether you as an ordinary everyday business man would act reasonably upon such a thing; that is what I asked you, and each one promised you would. I want you not only to take into consideration the testimony here, but I want you to take into consideration the circumstances. I want you to take the physiological condition here. Here you have the man -- colored -- you have seen a few men on the jury, or the panel here, excused because they were prejudiced against him charged with a crime -- colored, I emphasize, because, unfortunately, that man has not had

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the advantages that you and I have had for centuries, he has only had it for sixty years or slightly less.

Now let us take a human being and see what he is. A human being is born; he is nothing more than a machine with senses, he has the sense of sight, hearing, smell, touch, taste; those are natural things which have been given to us, the senses; but as we develop, and as we learn, and as we educate and advance in civilization, we develop other things. We develop the power of inhibition; that is education. We learn to control ourselves. A child, an infant in its mother's arms, has a distinct, very sensitive sense of touch, and when the mother takes up that baby and holds it to her breast, warms it, and continually warms it, that child does not want to lie down, it will cry until the mother takes it up and warms it again, because it does not know when to stop -- continues to want it.

Take a young child, one that has had toys and had everything that he wants, he will want anybody's toys, he does not know the difference between 'my property' and another person's property, he wants everything he sees, because he believes everything belongs to him. He has not learned the point of stopping. With education we learn when to stop.

Now I am going to ask you gentlemen to please consider one thing. You have had two thousand years of this

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education, while this man has had about sixty years. I am going to ask you to please take that into your consideration of this verdict. Sixty years this man has only had the advantage which you men have had for centuries -- if you have not had it you have inherited it from your parents. He has not. Take a boy who has left his home at twelve years of age, as he tells you, and not contradicted -- and let me tell you right now there is no greater office in the country than this District Attorney's office, and if this man had lied or they wanted to know anything about him, they could have had any report on this man from any part of the country; all they have to do is to press a button and ask Captain McQuade or Captain Faurot, and they can have any information they want, from any part of the country, and it is not controverted.

This boy was twelve years of age at the time he left school, and that is all the tutoring he had. He went out to polish boots, and he kept on polishing boots until he raised himself to a waiter. Finally he went along and worked as a waiter in Chicago, and finally in Detroit, Michigan, and then came to New York, fifteen years ago. You have testimony before you that this man worked steadily, regularly, and so far as he has said he has not been out of work for any time in the past fourteen or fifteen years in New York City longer than two months, and even that time

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he was out seeking employment. He was a man fairly regular in habits, and never has been identified with crime of any sort whatsoever.

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The people that have appeared here even against him, the District Attorney's own witnesses, testified to his good character. I have not been able to get many, because probably his avenues of society are not the same as my friend Mr. Wellman's or myself or any one of you gentlemen. He has not the friendships probably that you and I have. You heard he had to come home at 9 o'clock after working a whole day, or had to go to work at 4 in the morning and come home at 4 at night, and therefore it would be utterly impossible for me to bring people, large business men, into this court to testify in his behalf. But sufficient there be if there is no bad character against him. He has been a regular fellow right along.

He tells you that he went along and worked somewhere and met this girl. He met her and he kept company with her for a period of two years, and they finally became engaged, and they were married. They were married somewhere in 61st street. It is not important to me whether he was married at 219 61st street or whether he was married at 225 61st street, not a bit, only as far as it goes to influence his acts ever since.

I want you to bear in mind and please remember it

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deeply, gentlemen, when you go to say whether or not this man is telling the truth on the stand here, as to that statement between himself and the other detectives after the terrible episode, I want you to bear in mind my friend Mr. Wellman in his usual good nature said smilingly, "Yes, I see you are right, it was 225, that is it, and not 219" as contained in some paper.

Anyway, they were married. I chose married men, most of them, as my jurors, because I wanted them to understand the things that an ordinary and single man does not. They lived together for quite a time. That is admitted. Admitted. And then he tells you that that woman went out at night, and stayed out late at nights, and that she came home under the influence of drink. He is no minister. He is not asking you to condemn that woman because of it, nor am I, nor is my friend Mr. Wellman. But we simply want you to please get the effect it will have upon this defendant and his state of mind afterwards. You are a married man. You will please remember, seeing your wife coming home at 12, when you came home at 9 o'clock after a hard day's work shoveling coal into one of those hot furnaces, with the heat almost burning you, and you come home to find your wife had been out, with influences of drink upon her, out with her sister.

And he remonstrated with her and told her that in

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his own way. He did not have the education that I have had, and my friend Mr. Wellman, or a great many of you gentlemen have had, in talking down, and saying, "Listen here, now, girl, what do you mean by going out late nights? This cannot be. A woman cannot for any length of time go out late nights and keep right. Now, you have got to stop it." He did not do those things, he asked her in his crude way to stay in, and she told him she is over twenty-one years of age and knew her book and therefore did not need any suggestion.

We might as well look into this case. I do not deem this man a highly cultured man. I deem this man by reason of circumstances not much above an animal. I myself am an animal, but, thank God, by my training, the training of my parents and my associations, I have been trained somewhat and I can curb my feelings. I do not know what training this man has had, whether his parents ever had the same influence upon him that mine had upon me or that Mr. Wellman's have had upon him.

I want you to imagine the underlying fire that started in that man's mind when he told her that she could not go out late nights and take drinks without him, and she told him she was over twenty-one and she could do as she pleased. I want you also to go to that party, which happened in Blanche Wright's apartment -- Blanche Wright --

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did you hear him testify that name, Blanche Wright? I heard it distinctly, and my friend with a little press of the button upstairs or telling that young man sitting here could have had Blanche Wright here in a jiffy. I could not. I have got to send her a subpoena, but he could have had her here, he could have a policeman bring her here if he wanted to.

In Blanche Wright's apartment -- while this man was out at work -- a party was given. Well, I am not sufficiently acquainted with what they call parlor socials, but I have heard through many examinations in the magistrate's courts as to parlor socials, and I know enough to say this to you, that even with the advantages that I have had, thank God, I would have objected to my wife having a parlor social.

And then what happened? You take this man that is not more than an animal. He sees his wife inside of the back room drinking with a man, alone, in a back room. And is that right? Is Blanche Wright here to say that that did not happen? Blanche Wright could have been here,, could have been got here in a jiffy, but she is not here. I asked for Blanche Wright some time ago, and I remember some comment being made about it, but I have not seen Blanche Wright.

Then he tells you that he moved away, he moved

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somewheres else. Well, there the testimony began to get conflicting. Up to that we have everything admitted. So far everything is admitted. But after that point there gets to be a conflict in the testimony. And he gets even admissions from my client that after he had lived away from his wife for a third of a month he had sexual relations with some other woman, and he says also that from that place he moved to another place, and that he had sexual relations with another woman. I am going to take him just where he is. I do not want to change the truth. I want the truth, and I want to find out and see what an analysis of the truth will bring him.

What does it mean to your mind when a man has not got the power of inhibition, when a man has not got the power of control in his veins and in his body, and on his passions, but he is somewhat of the animal. The poor man has not had the advantages, to judge when to stop. He has been away -- he is married -- he has for a year or so had relations with his wife, and all of a sudden they had ceased; they had ceased; and he tells you, and it is not contradicted, that even at that time he was going to his wife and asking her to go back to him, because he found out he could not do without her. Now, is there any question in this case at all, I submit, gentlemen, whether or not this man wanted -- really and sincerely wanted his wife

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to go back to him? Can my friend contend seriously that that was a bluff, that that was for effect, or it was a lie, an untruth? I do not believe he will even attempt it. I do not believe he will. At best the man really and sincerely thought himself -- he had not the high reasoning power, he had not the ~~six~~ motor mental engine to work with, he has got one of those old engines that have not been developed, the power is there but it has not been developed, and perhaps he did not know -- we admit that absolutely, but if he had denied those facts they could not have proved it otherwise; if he had said no, that would have stopped right there, and then they could not have proved it; but the man absolutely and honestly said yes, he said yes because he was advised by counsel that "the truth at all times must come out, and you must let these gentlemen, who have your fate in their hands, do according to their judgment and according to the truth, but you must give them the truth to work with." And he admitted it to you at that time.

He tells you of the numerous times that he called on her at 143 and had conversations with her and asked her to go back -- that is not disputed, that is admitted even by the witnesses of Mr. Wellman -- or for the prosecution, which is the same thing.

Now, we are going to get right down close. This

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man was working at 251 West 98th street, working in that place, a basement, at a hot furnace, where the man was standing shoveling coal into the furnace that supplies steam and runs the elevators in the apartment house; the man gets up early in the morning, and goes to work at 4 o'clock, and works until 4 o'clock in the afternoon; and he tells you that at one time -- this is also very significant; I want to bring out this because I want to dwell upon it later -- he says at one time he did not speak to his wife when he first saw her with that man. I want you to bear that in mind, that he did not speak to her, and when she refused to have sexual relations with him he did not talk to her about it, but he simply left her. I want to bring that out to you later and ask you your opinion of it. But he says when he suspected that, he telephoned to her that day and asked her to come over and see him, about coming back, because before, they had a party at one time given by friends to bring them together.

Now, that is admitted. That is admitted, because if Mr. Wellman had any reason to disbelieve it, all he would have had to have done was to bring Blanche Wright, who, I believe, was in this court room, and all he would have had to do was to get the name and address of the very person who was called upon to bring those two persons together and he could have found out whether it was true

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or not; but he knew it was true; he knew it. It stands uncontradicted on the record, and that is why it is true.

The defendant knew at that time that this woman was baiting him, pushing him on, so he calls her up on the telephone, and she says she could not see him then, but some time in the future -- that indefinite pushing off -- she would endeavor to see him. And then this man, as he tells himself, after that telephone conversation which he had in the evening, he did not eat anything. And I did not bring it out, I did not even know it, I had not the slightest idea what he ate, and I did not care whether he did or not, I did not go far into that; but the Court himself brought it out, and it brings out that the man did not eat the night before or that morning or that noon. I am going to let you say why.

Then the morning he goes to work he tells you it was his usual habit to go in and buy half a pint of whiskey, he says that was by reason of his work, working at a hot furnace, that he had to have some stimulant -- also getting up so early in the morning. Well, whether he did right or wrong I am not going to condemn him or praise him for it, I am not going to give him any crosses for it, but that is what he did, that is uncontradicted. I would have had the man from the Hygrade store here if I knew who he was, but he does not know himself who he was,

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and I cannot subpoena the whole Hygrade Company down here to prove that fact.

There is no law requiring that a record be made of a man buying a pint of whiskey. Anyway, he tells you that he took, because of his troubles and because of his work, he took about half a pint of that whiskey and drank it; that after he attended to the boilers he went up to the laundry, and there Foster came to him and told him about this party.

Now, I want you to please realize what that means. The Court asked him, "Did you eat the night before?" and he said he did not, he did not eat anything since the night before. This thing had been dwelling upon this man's mind before this. It had been pressing upon him, and he did not eat. As he was lying in the laundry room in which Foster found him, Foster told him about this party. Naturally, he must have been weak, and he said he was thoroughly disgusted. I believe, although he does not remember it, I believe he was disgusted, when he was not called to the party, because you can readily imagine the animal man -- you can readily imagine that first party that she had, and you can readily imagine that Grover in that back room, and that bottle of whiskey. And his entreaties to her to go back to him, and her indefinite promises to see him.

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And he tells you that after Foster told him about the party he went and finished the other half of the bottle of whiskey. Then he tells you that he thought the matter over, and he thought it would be safer for him to leave the town. Now, I do not believe there is a single person who would dispute that. I cannot see, unless my friend Mr. Wellman, who during the years I have known him is very ingenious, brings out something more than I expect, I cannot see where he can deny that this man said, "I am going to leave the town." I believe some of the testimony said that if he does not leave the town he will do somebody harm or kill somebody.

Supposing he did say that, that he would kill somebody, is that in any way saying that he was going to kill his wife, that he had some family trouble? I want you to figure those things out. I want you to try this case beyond a reasonable doubt. Have you any reasonable doubt as to that particular instance, whether the man said, "I am going to kill somebody," even that testimony which he himself denies and says he does not remember making any such testimony -- what that means? And he tells you that he got his money.

Now, there seems to be a little conflict there. I do not care about it, I do not care whether he had \$7.50 and spent \$4 and a half, leaving three and a half, and

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leaving one forty-five and \$2 for whiskey. That does not bother me a bit. I do not care whether he drank thirty drinks or whether he drank five, it does not make a particle of difference to me, excepting as I will point out to you hereafter.

That he started out with this money he tells you, and went out and stopped at 98th street, and he says he had a couple of drinks there. Is there any doubt in your mind that he stopped there? Is there any doubt in any one of the jurors' minds that he stopped at 98th street? I had a very difficult time to find it out from anyone excepting the defendant, even though it was contained in this so-called mysterious paper. Oh, I had a very, very hard time to find it. But he tells you that he stayed there on the corner of 98th street and contemplated what he was going to do. And he made up his mind that he was going to kill himself.

Is there anything to contradict that? Not a scintilla of evidence to contradict that at all, not a scintilla of evidence to contradict that he was going to kill himself, so far. Then he says that he went down and stopped at Cortlandt street. That there he had a couple more drinks, and that is not denied, that stands admitted. And that he went over the ferry, and after the ferry he had a couple more drinks -- not contradicted. That he went

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along there and went into a hardware store and offered to buy a gun, and after he went into the hardware store he went over to this sporting house, and there he bought the gun. He does not remember the amount, but he remembers signing his name to that paper, and he says that he signed his name John Wilson. You heard the answer to the question as to why he signed John Wilson, he says he does not know why he signed John Wilson, he thought he was signing his own name. It does not make any difference to me what he did, nor should it make any difference to you, unless my friend Mr. Wellman is going to argue that this man was a man, one of those thugs, you know, going out to rob somebody, and there gain advantage and there gain some money, take the money, rob the person or kill the person, and hide the money and retain its benefit -- naturally, that person would not want to be caught, that person is going to try to hide his identity, that person is going to try to evade the police, evade the District Attorney, and then he will give a false name.

I ask you even if as Mr. Wellman says -- even as the District Attorney has tried to show you -- the police -- that this man went there with the intention of killing his wife -- even, even, even -- with every intention as they said of killing his wife, and that going out there and shooting up in the air to surrender himself -- what does

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it make -- why did he sign his name John Wilson, that is what I would like to know, if that was his intention?

But he did. Why? Just to bear out the other things that I will dwell upon a little later, whether or not that man knew what he was doing at that time, with that drink, with that state of mind, with that unsatisfied sex desire, with that awful depressing suspicion -- unfounded suspicion, which is far worse than any suspicion that a man have upon foundation -- unfounded suspicion, that is the worst. And he goes in there, and he does not know why he took a drink, he just wanted a drink. Why does a man want drink when he is in nervous excitement, except to try and soothe him, and to try and deaden those nerves which are wearing on him? Why does any man take a drink unless he is actually thirsty, if not to try and soothe down his nerves?

Do you believe that this man took one, two or three drinks just for the sake of drinking, just because he was was a bon vivant, he just liked good liquor and that is all, just going out and having a good time? I do not believe my friend Mr. Wellman will seriously contend that. I am sure he did not go there in the same spirit that any man goes into his club and rings a bell and says, "Bring me an Old Crow." He wanted to get that liquor because it was going to give him some return, that is what the liquor was to him, and he did not know what he was doing when he

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signed John Wilson; he tells you he did not know even why he did it.

And the greater proof of it is -- just follow that, follow the reasoning of a reasonable man, if he was reasonable -- if he wanted to hide his identity -- he goes and puts his right address on there. So, in case this man committed a crime, in case this man was caught, so that they could not possibly connect him with the purchase of this revolver, so that when they took him up to 41 West 139th street, or wherever the address is, they would not be able to identify him! That is wonderful work, of a wonderful brain. Very clear. Absolutely normal. Absolutely qualified to simply plan the thing.

Then he tells you that he had several drinks before the ferry, and he had several more when he crossed the ferry, and took the elevated up. And here is the significant point: I do not believe it is argued by any one, or that there is any dispute about it, but he says that he went and got off at 59th street, 59th street and Columbus avenue; there is no dispute about that. Now, why did he get off at 59th street? Why didn't he go up to 66th street, or 72nd street, which is nearer to the place where he was going to kill this woman? He got off there, he tells you, because he went to see a friend of his, and because he was resolved to do it -- to do it. This clever Assistant District Attorney, with the very large tortoiseshell glasses,

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says "to do it" -- "it", you know. "It" stands for almost anything under the sun; "it". You would think he was back in the old school yard, playing tag. "It." He was going to do it.

If he was going to do it, why didn't he go to 72nd street? But he says he went over there because he had made up his mind to kill himself, and he went to see his friend, and he told you where, and he told you why; he went up there to see him and to say good bye to him. But he did not find him home, and he says he went into another gin mill, and there he had a couple of drinks, and went into the toilet and unwrapped the gun and loaded it and put it into his pocket, and went up there prepared to do it.

He went in there and greeted the housekeeper --there is no question about that -- greeted the housekeeper and walked into the kitchen. My friend Mr. Wellman will lay great stress on the fact of why he should go to the kitchen. Well, I suppose a colored maid in a house would be found in the parlor, or in the music room, or in the library. I believe if you, or myself, or any respectable man, would look for a colored woman, I think that is where we would find her, in the kitchen. Isn't that a terrible thing to do? "Why did you go to the kitchen?" Ah, - a detective! "If you went to the kitchen, therefore you went there to kill her." Why, he went to the kitchen because the colore

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is found in the kitchen; and the puzzle is solved. That is where she is supposed to work, in the kitchen. He walked to the kitchen, and there he saw her.

Now, regarding that there is a controversy. This woman, the woman on the stand, who was the housekeeper, who admitted to me that this man had been there several times and had entreated his wife, and that she overheard his entreaties to return, said he went in there and said "Hello, Belle", and afterwards she said "Hello", and he says, "This is for you." Well, I have nothing to say regarding her testimony, but I want you to please consider her, an elderly woman, not expecting anything at all, hearing a shot fired -- I want you to imagine your wife in the same place. If a person went into your house and fired four shots, three shots, or two shots, what her memory of the identical words used at that time would probably be -- or your own -- or your own. Test it for yourself, whether you would remember every word spoken at that time.

I have tried some cases in other courts; I have talked to witnesses in civil actions, and I have had my little experience, and I have no doubt you, in your own way, have had yours, and I want you to judge. I have had witnesses whom I first interviewed, "Madam, did the car stop?" "Well, no, Counselor, the car did not stop; I saw the woman raise her foot, and then I saw the motorman doing

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like this (indicating) and the car was almost at a stop."

A month later: "Now, Madam I want you to make up your mind definitely, did the car stop?" "Well, Counselor, the car was practically at a stop." And before you know it that woman will go on the stand and swear that the car stopped. And you see that in everyday life; that is only a little elastic imagination, very open to suggestion.

People who go about and drop a word here and there,-- you have seen this defendant here on the stand, he is very elastic, his mind is very elastic; if I wanted to, I could have him answer any question I wanted to by the slightest suggestion. Then you have seen the other witnesses, even my friend Mr. Murphy, who was formerly in charge of the Homicide Bureau, was very elastic to the questions asked by the opposing counsel.

I want you to give that consideration, whether a woman under such circumstances -- well, it makes no difference to me whether this man recalls absolutely what he said or not; what was his state of mind? What was his state of mind? You know a human being is not any different from any other object or thing in nature. You take a river and let it be rolling by, rolling strongly by, and it will go along, and probably take away some of the earth here, and deposit it somewhere else. If it meets some objection, and the water has force enough, is strong enough to take

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that away with it, and deposit it in some other place, the river will do that and roll along, but let there be a dike ~~an~~ the river, it will simply go slowly, gradually, until there is some very strong object in its path, and then what happens? Why, just as it strikes that object, the force of the water will take the whole thing with it, tear down the dike and everything. And the human ^{mind} is almost the same thing.

I differ with my friend Mr. Wellman in this case. I say that that little thing where he said nothing at the time about her drinking and being out late in the night, showed that still depth -- the man did not face it -- and we all know that if there is a quarrel with our wife it is the best thing to right out with it, and say, "Come on, there, Girl, what is it?", and not allow it to collect. He allowed it to collect, he did not say anything when she stayed out late nights, he did not say anything when she drank, he did not say anything when he saw her sitting there with Grover drinking, and he did not say anything when she refused to have sexual intercourse with him, but he allowed it to collect and collect on him. What cared he when he was without his wife, what matters that, if nothing more than to show the uncivilized creature that he is? You can imagine, a man having had his training -- he would not do so, if he did not have the animal instinct

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that he did, and that is exactly the point I am trying to illustrate.

Now, about his drinking -- this man, when he tells you he went in there, and I think he is a far better judge -- he says he is not afraid of the electric chair; I may feel bad about it today, but one or two of my clients have gone there before, ~~probably~~ through my ability -- it will make very little difference whether Bradford will be in the world next year or not, to me, but it wants to make a difference with you. Each man of you will have to decide whether he does or not, and I am only trying to help you find the light. I say to you that I believe him, that it is perfectly reasonable for a man to believe that -- he could not possibly care -- he entreated this woman, he entreated this woman, and he found himself that he could not stand it any longer, it was just tearing him apart, and he then said to himself, "I am going to kill myself, and I am going to kill myself how? right in front of her, so she can see, so she can see what she has done to me;" and he goes in there, and when she does not answer him he sees her and he drew the gun and he shot her.

Would my friend Mr. Wellman sit down and take notes how many bullets he had used at that time? Probably if the defendant had as good a mind as Mr. Wellman he might have done that. Did he take notes at that time

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"My memory ceased now", and "My memory began again then"? Did he have a book with him for witnesses, and try to get them? No, he tells you he was in there and he shot her, and he says he never intended to do it. He intended to kill himself first, "So that she may see the fruits of her life." She had ruined him spiritually, and she might as well see that he is dead. That was his intention.

He said he went out into the street. I am going to wait and see what Mr. Wellman will say about it. And out in the street he says he did not know what he did out there. He says he remembered pressing the thing against his abdomen, or -- abdomen, I believe, and it would not shoot; and he says he shot off one in the air, and he stood there. He does not know why he stood there. Of course, what explanation would the policeman give for that, excepting, "Why, he was waiting for me."

It is like the story about the man and the birds, -- waiting for a cop. The story is told about two men: One man went to a boarding house. He was a man who studied nature a good deal. Every morning he would get up at five o'clock in the morning, and there was a wonderful tree in front of his place and all the birds would gather on that tree and sing, and he opened his window, and he enjoyed listening to the birds singing. Several days after he was there, another fellow downstairs also opened his

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window and looked at the birds, and heard them singing, and they got into a quarrel as to who they were singing for, as to who had a right to hear the birds, and they got into a fist fight, and banged each other's noses pretty well, and were taken before a Magistrate who collected his fees from the fines he got, and when the men got up there, he said, "Gentlemen, what is the trouble?" And one fellow explained that he had been at the boardinghouse the longest, and that he always opened his window for the birds, and the birds were singing for him. The other fellow says, "Why, if your Honor pleases, I was on the lower floor; the tree was right in front of my window, and when I opened it I could see the birds right from my window and they were looking right in to me. The birds were singing to me." The Magistrate said, "\$30 fine apiece, the birds were singing for me, Gentlemen."

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This policeman says the man was standing there dazed, having committed a murder -- he was standing there waiting for him. Well, perhaps he was waiting for him, I don't know. You are to judge whether he was waiting there for him or not, but I want you to see how he was waiting for him, whether as a reasonable man. Where was he standing? In the middle of the roadway. You see this cool, collected, calm man, who walked perfectly straight, the drink had no influence whatsoever on him, -- cool, calm, collected,

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just as normal as my friend over here, or myself -- he was more so than I, because I have been slightly nervous during this trial -- he was just simply standing in the middle of the roadway, in 71st street between Broadway and Columbus avenue; in the middle of the roadway, simply standing there. Is that the act of a reasonable, calm, prudent man? An ordinary man? Would my friend Mr. Wellman do it? I don't think so. I think he would probably stand on the sidewalk.

And what did he do? He does not remember. He says he walked up and down, back and forth, back and forth. Very calm. Then he tells you he was taken to the station house, and there he was questioned by several people. He says he does not remember that, and he says he was not listening to them.

Now, I want you to put yourself in the same position: a man killing his wife, and seeing her fall before him, with a bullet shot out of his hand, whether he would sit still and listen, look at a pair of goggle glasses, or whether he would think of what he had done. What would be in his mind? I want you to take that thing into consideration, whether this man actually did say those things. No doubt he did, but I wish I had those minutes. If the Court please, may I at this time have a loan of those minutes, the stenographer's minutes, so I can see the so-called questions that were asked? (Paper handed to counsel) You

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know a stenographer does not take -- you have seen this gentleman here work, he is an expert Court Stenographer, sitting in the most important court in this City, where human life depends upon his work, the appeal depends upon his work. I hope that you have observed, and seen how much attention he paid to me, or my friend Mr. Wellman. But this other stenographer says he saw the defendant, he observed his demeanor and conduct. I am not going to question it at all. It would ill become me to question it, but, let me tell you that young boy -- colored man who has said in answer to Mr. Wellman's questions that the defendant was perfectly sober, he did not think that a man was really drunk until he saw him stagger. Well, I do not think he was so drunk. I claim the whiskey had some effect upon him; what effect it had upon I won't say.

I want to read only some few of the questions asked by Mr. Murphy, and some of the answers that were perfectly rational -- perfectly rational. Listen to this: A perfectly rational man talks as follows: "Q And you moved from there where? A We moved from there", one, two dashes, "We moved from there", one, two dashes, "We separated there too." Married there and separated there." Now, think of that in connection with the following: "It must have been a little more than a year." Page 123. "Q Why did you separate from her? A Well, a little spat, you know,

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family affairs." Now, think of that for a rational answer.

"Q Anything in particular? A Well, very particular, I must say." That is the answer. "Q Well, what was it

about? What was the trouble about? A Well, she was just crooked, that is all. Q How do you mean, crooked?

A How do I mean, crooked? Because the first time I caught her one Sunday evening, I was off duty, and she was to go to church with her other two sisters. They all lived in the same building." That is his explanation of crooked.

MR. WELLMAN: Go on.

MR. ARANOW: Thanks. "Q, I see. A And they all three went out together, but they figured I was going to bed, because I were in bed when they left for church, but I went up to the corner there for a drink, naturally, and come on back a little later, see, and when I got in it was around ten o'clock, and I wasn't asleep when the other two sisters come in, because I seen them, and I asked for my wife, and they says -- they didn't give me no decided answer." And I want to call your attention to the fact that there are two dashes between "says" and "they". "They says, "She'll be home later." Well, the first time" dash, dash, "So after that" --

MR. WELLMAN: No, no. "No" after that" -- he corrected himself. Please read it the way it is. I am following it.

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MR. ARANOW: I submit to the Court that it says "so" on line 3.

(Stenographer's notes: The word "No", through typographical error, appeared "So" in the transcript of yesterday's testimony.)

THE COURT: I think what you are doing is inexpedient.

MR. ARANOW: Very possibly.

THE COURT: That is my judgment of it.

MR. WELLMAN: Your Honor, it is "No" in the original. I am not responsible for the minutes. Here is the original.

THE COURT: I think that you are making a comment, Counselor, which is not based upon the evidence in the case.

MR. WELLMAN: "Well, the first time -- no, after that she came about an hour later, and I asked her" ---

MR. ARANOW: I am reading from this copy.

THE COURT: I think I will confine you, Counselor, in your summation to the evidence in the case.

MR. ARANOW: If the Court pleases --

THE COURT: You may regard yourself as so confined.

MR. ARANOW: May I at this time state something to the Court?

THE COURT: Yes.

MR. ARANOW: Mr. Birchall testified as to his recollection of these questions, these questions were read by the Assistant District Attorney, and were answered "Yes, sir", once in a while by the ---

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THE COURT: I have in mind the testimony, and in the light of the testimony in the case I conceive that you are going outside of the evidence in your summation to the jury, and I tell you to confine yourself to the evidence in the case in your summation.

MR. ARANOW: I respectfully except.

THE COURT: You can make any comment upon the evidence; you may not go outside of it.

MR. ARANOW: I believe Mr. Birchall testified to this.

THE COURT: I recall the evidence. You are in my opinion going outside of it, and the comment is not allowed.

THE MR. ARANOW: I respectfully except.

P Well, Gentlemen, I am not going to start in to say what happened there. I was not there. But I hope that you paid attention to the questions asked by Mr. Wellman, as to the testimony given by this witness, and I want you to compare, please, the mentality of this gentleman occupying an official position in the County of New York, and the manner of his reading of the answers of the defendant, and the manner of his giving the testimony under those conditions, their connectedness, or possibilities or probabilities for giving a flowing answer. What have we a police department for? Have we got them to show off brass buttons, or to march up Fifth avenue, once in awhile? We have brass buttons to show their official authority, but

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the police are there to prevent crimes, and when crime has been committed to investigate it. They are the assistants of the District Attorney, and my friend, Mr. Deacon Murphy told you right there and then that he went there with the idea -- as an investigator and prosecutor -- assistant ^{to} ~~the~~ prosecutor of the County of New York.

Now, let us take up from the first instant, where that man had shot off the gun. What had happened before that? It is mostly a guess. What happened? He tells you what happened, and there is nothing to contradict him except what these gentlemen got out of him later. Now, let us see: what was his conduct later, as relating to the actual act? That is the thing in question, not what he did later. But what we are trying to find out is what did he do before, immediately before, whether there was wilful premeditated malice, or was it the act of passion?

AN act committed with passion with a dangerous weapon, the Court will charge you what the law is in that case, but whether it is as my friend says, a deliberate and premeditated thing, let us see his conduct afterwards. He goes out in the street. They say he went out there and shot in the air for the police. Is that the act of a man who is trying to escape? Then the policeman comes. What do you expect a policeman to do? Do you expect him to come up there and say: "Listen, shut up, you, you better not say a

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word about it, or those policemen will try to get you", or is he going to try every possible way of getting and fastening the crime? You know what it means, the catching of a criminal. We all know that a man gets a reward for it, and when you get a record for having convicted a man, a man convicted of murder, murder in the first degree is quite a prominent record to receive in the New York Police Force-- and also for an Assistant District Attorney, - with all due respects to what they say in Court, here before juries. What they say in the jury room is one thing, and what they say in the restaurant is another, or in the home -- they say: "I convicted this desperate murderer." A wonderful thing!

MR. WELLMAN: I submit, your Honor, that is decidedly going outside of the case.

THE COURT: I think it is.

MR. WELLMAN: And I would not object if it were not a gross misstatement of the facts, outside of the case.

THE COURT: It is outside of the case, Counselor.

MR. ARANOW: But the District Attorney is not there to play with him. He is there to get evidence, to get evidence of a crime. Now, the policeman arrives, -- and they tell you their story. They tell you that the man said -- one officer said that he threw up his hands and said: "Kill me." Or he said, "He threw up his hands and said, 'I did it, I had good reason to.'" And as another officer who was

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said
five feet behind him, he says, "I did it, kill me", or, "I am ready to die, kill me." That is two conflicting stories of two officers.

The young man who questioned him said he said, "I did it." There is no question but that he said he did it, and he said he had a good reason to, and there is no doubt in my mind that he said he had a good reason to, because a man after he does a thing -- we all know if Johnny breaks his little horse he will also say, "Why, Mother, I know I broke the horse, but you see the horse was broken before." That is a perfectly natural thing to do, for a man to try to excuse his act, if he did it, even though he did not intend to do it.

Then one of the uniformed officers says that he took several witnesses to the station house. Leonard says he asked this man several questions and identified him. Well, I haven't a doubt about that. He says he did it. I haven't a doubt that he said he did it. This man was not in a position to know what he said, or particularly to care for praise, or anything else. His mind was on what he did, and he saw the fruits of his act.

And then they took him to the station house and what happened there? He is taken to a room with twelve or more persons in there, a big, large room. Mr. Murphy tells you there were ten witnesses. The officer tells you that there

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were -- he brought three, and then he went back and got the colored boy, that is four. Anyway, we saw here a young man and a colored boy; that was two witnesses.

Now, it is very unfortunate that this man should have been so neglectful and careless when he goes out to commit a murder, that he did not have his lawyer there to go out and get the witnesses. He has no witnesses, excepting his own conscience, to what happened.

Now, everybody saw it; these ten witnesses saw it; they are not here. This is the debated question. We deny having made statements, and it is a matter that is very important, so important that we have to get back the man who was formerly on the staff. Why aren't they here? Well, I don't know. I am going to let you say why they aren't here. I questioned myself. I say, "Well, simply, I would not use a witness when he is no good to me." All men do not say the same thing. Of course it is all very well, to take ten witnesses, and pick out two out of the ten who suit in with the purpose of a prosecution. I suppose if I had the other side and had the ten I would excuse those two and use the other eight.

He is taken into a room -- now I am going to ask you to bear with me in this: my friend Mr. Wellman does not agree with me -- I asked Officer Leonard, "Did you question him in the station house?" He said at that time that

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he questioned him with Mr. Murphy in the room, and Mr. Murphy asked him things and he asked him things. I want your memory ^{serve} to [^] because after all, what the Court says is nothing, and what I say in regard to that is nothing, or Mr. Wellman, but you are the judges of the facts. My recollection is very clear and distinct that I asked him, "Did you ask him about the hardware store, did you ask him about the murder?" And he said, "I did that when Mr. Murphy was there, and Mr. Murphy asked him."

You heard the questions. That man's answers are entirely not there; absolutely left out. Why did I object to the admission of that paper? My friend is liable to make a fight in this -- I am going to tell you why. I objected to it because it is simply a paper, as Mr. Murphy says, drawn for the purpose of use in a trial; that is why I objected to it, because a man can read one line with different intonation and leave out one word of punctuation which will change the entire demeanor of the whole thing. And look at the language of the whole thing that was rejected, and which was afterwards gotten in through another way. "Did you do it? Did you mean to do it? When had you resolved to do it?" If he had said, "When did you resolve to kill your wife? Why did you kill your wife? When did you think of killing your wife?" -- but he said "do it." "Do it" might mean a lot of things.

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I want you to see why -- I objected to the thing, because I have been in these cases before -- did you notice Mr. Murphy, did you notice the officer, did you notice the other officers, they were all there, and not a one of them smelled liquor on this man, not a single one of them -- oh, yes, Mr. Murphy recalled in his direct examination that he did. And he testified, "I went to the man and I asked the man questions, and he told me that he went to 98th street and got the cash, and went back and got the gun and loaded the gun, and then he went there and shot her. All the other facts and circumstances his mind had entirely slipped. Why, even this officer who was present in the room, and who the stenographer said was always present in the room, said, "Yes, he had a recollection that the man said he took two drinks." That is why I did not admit that paper in evidence. I wanted every fact. I tried to bring it out even then.

My friend Mr. Wellman shows me here that there is some record that I had asked before, that Officer Leonard asked him some questions before -- that -- the District Attorney.

MR. WELLMAN: "Before that of the District Attorney"-- before the questions of the District Attorney. Read it right.

MR. ARANOW: I object, if your Honor pleases, to

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counsel interrupting me.

MR. WELLMAN: If counsel reads from the record, your Honor, I submit he should read what is in the record, and my objection to counsel's reading is that he is not reading what is in the record.

MR. ARANOW: I respectfully except to interruptions by the District Attorney. I had read exactly what was there before me, and I submit the District Attorney has followed the course of conduct right through here of trying to make a fool of me.

THE COURT: No, I do not want you to make comment one way or the other.

MR. WELLMAN: Your Honor, I must object when counsel is misstating the testimony with it right before his eyes.

MR. ARANOW: I respectfully except.

THE COURT: Now it is embarrassing to the Court -- what page were you reading from?

MR. WELLMAN: Page 84, first air.

MR. ARANOW: I respectfully ask the Court that the stenographer read what I have said. I mentioned the word "that".

THE COURT: Page 84, is it?

MR. WELLMAN: Yes, your Honor, the first question which has a long answer: "There you questioned him again" is the question.

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THE COURT: Now, Mr. Stenographer, will you kindly read what Mr. Aranow said?

(Mr. Aranow's remark is read as follows: "My friend Mr. Wellman shows me here that there is some record that I had asked before, that Officer Leonard asked him some questions before -- that -- the District Attorney.")

THE COURT: On page 84 I find the following, the question is as follows: "There you questioned him again?"
A At that time we questioned him. He was in the back room, and Assistant District Attorney Murphy asked him questions, and I was there. I had asked him some questions before that of the Assistant District Attorney."

MR. ARANOW: I believe, Gentlemen, I have said that. The stenographer seems to hold with me. But, anyway, I want you to take every possible feature of this case, your recollection of the testimony, into consideration, and decide it as you see fit. I want you to please look into the motive of this defendant, in giving his testimony. He is a man who is charged with a very serious crime, and his life depends upon it. I want you to please give that testimony the consideration that it is entitled to. The consideration that your conscience ought to require you to give it, and to decide upon every element of the law and the facts as applied together beyond a reasonable doubt. If there be any doubt in your mind the Court will tell

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you what to do, as to any element.

I want you to take all the witnesses and take their motives for testifying, pro or con, what motive my friend the superintendent had for saying this man has a good character; what motive the police officer had in stating the testimony he did, which differed, and what motive Detective Leonard had, what motive the boy had, and all the testimony in entirety, and come to your judgment.

Now, if it pleases you, Mr. Foreman, and Gentlemen of the Jury, I am going to be brief. Custom, practice and law, they are all pretty well allied together. The law is based upon custom, and practice, and says that no man charged with crime shall be convicted unless the evidence given against him is beyond a reasonable doubt. Why? Because people differently situated, differently constituted, see things differently. Twelve men of your own peers have got to say beyond a reasonable doubt as to every element that a crime committed as charged has been committed before a man can be convicted.

You have heard all the testimony; you have heard that I have tried very hard myself to produce everything that I had in my hands, but you realize I was not retained, I was only assigned to this case long after this man was incarcerated. My friend on the other side has been there while this man was in jail, without a friend in the world

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to help him.

Now, my friend Mr. Wellman will go before you and he is a very able man, a man who has had very considerable experience in the trial of murder cases, and this is my first; he will probably take my little summation of the facts and tell you it is all disjointed and all rotten, and he will make it look very cheap, I know his capabilities. But please ask in justice to yourselves and in justice to my client, and to me, and to the Court -- do not permit his eloquence to take you from the testimony. Please consider everything. Please consider that little thing, that human machine, the brain, and the effect that other things have upon it, the unsatisfied sexual desire, the suppressed energy, the suspicions -- unfounded, all of the things which go to disrupt a brain and the human mind, his acts at that time.

Please consider whether at that time he was -- if a scale -- take a scale, what is premeditation of a murder? Where a man can reason and say "This is right", and "This is wrong" -- were the scales in his mind balanced, so that he could say, "This is right", and "This is wrong", or were the scales capsized so he could not weigh? That is the thing for you to find. Could that man have reasoned and said, "Is this right or wrong?", or was it simply that his balance was all upset, the scales were loaded? That is

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for you to decide.

The man is guilty of a crime. In law you are bound to find him guilty of some crime, but I tell you this is not a premeditated murder. There is no profit, there is no gain, and there is nothing selfish to obtain by it. He did not go there to rob her of her money. Here is a poor devil, colored, prejudiced against, without the advantages that other men have, animal instinct greatly in him, depressed by the years and years of anxiety, unfounded, he goes to do an act, and loses of the balance of his head, and asks you to deal with him justly. He says he did not deliberate the murder. He says the world has not given him a chance, and he tells you the truth, even to say that he committed adultery. I hope that you Gentlemen will find the truth and stick to it, and not forfeit a life unless you have a moral certainty, a moral certainty that he premeditated to murder her.

THE COURT: Take a recess for five minutes. Gentlemen of the jury, you are admonished not to converse among yourselves on any subject connected with this trial, or form or express any opinion thereon, until the same is submitted to you.

(Recess for five minutes.)

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(MR. WELLMAN CLOSES THE CASE IN BEHALF OF THE PEOPLE FOR
THE JURY AS FOLLOWS)

May it please your Honor, Mr. foreman, and Gentlemen of the jury: I know that you appreciate the seriousness of this case, not only to the defendant, but to the community which you represent. I know you appreciate this is neither the time nor the place for flippancy. I do not want you to convict the defendant of murder in its first degree, unless you are convinced beyond all reasonable doubt, and to a moral certainty, so that you can see it in no other way than that he is guilty of premeditated, deliberated murder.

There is but one thing that I want to warn you against in approaching the case. I feel that there is but one thing that could possibly stand between you and a proper verdict in this case, and that is letting sympathy play any part whatsoever when you come to deliberate upon this case. By sympathy, Gentlemen, I mean not only sympathy for the defendant, in the plight in which he finds himself, but sympathy for that woman who was shot down, without any chance for her life, in the back, by the one man in the world whom she had a right to look to ^{for protection} and to trust. I have not had a single relative of that woman here in court, I have not let them put their heads inside of the courtroom, and I have done that because I did not want you to be swayed from what was right, because I feel the balance of

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sympathy is against this defendant.

Now, it is no record to me, and it is no record to any man, and if it were he would be ashamed of it -- to convict a man of murder in the first degree who has confessed that he was guilty of murder in the first degree. It is not a question of skill, it is not a question of trickery. All I want you to do is to look at the evidence, and if you decide from the evidence that the defendant is not guilty of murder in the first degree, or that there is any doubt about it, which you entertain as reasonable men, after going carefully all over the evidence, I want you to find him not guilty of murder in the first degree. This is his last day in court, Gentlemen, and you will not hear one flippant word from me.

The evidence in the case as I view it leaves no room for a reasonable man to doubt how this crime was committed, and with what motive, and with what intent. The man who shot Isabella Bradford, on the 23rd of November last, shot her with a pistol of large calibre, a deadly weapon, and shot her three times in a vital spot. Either one of those shots would have been enough to have caused her death. He shot her at close range where he could not miss, and there cannot be a doubt, a scintilla of doubt, in a reasonable man's mind that it was done with the intention, not of wounding

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or of frightening, but of killing. Then the sole question for you will be: Was that killing deliberate as well as intentional? And that is what you are to direct your minds to -- your minds, Gentlemen, and not your hearts.

Now the evidence has not been seriously disputed, that the defendant was the man who fired these shots. There is much that I must say in completing the record in this case, as a review of the evidence produced by the People, which may not be quite necessary to say. As a matter of fact when it comes to the question of necessity, I do not suppose there is anything that needs to be said to you Gentlemen at this time in behalf of the state; I do not suppose any one of you is lacking in a fresh recollection of what the testimony was. I do not suppose there is one of you who has failed to see what the situation in this trial has been, - a man making a desperate effort to save himself from the electric chair, a coward who was screwed up to the point of taking the life of his own wife, and he has lain over there in the Tombs, and now feels he would like to go out living himself. He is willing to take the stand and lie, say almost anything, if it will save his life.

That has been the plea here in this case, that has been the plea of counsel's summation. He says undoubtedly he is guilty of a crime, but save his life, do not take

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his life.

Now, I told you at the outset what the rules were governing murder in the first degree, that the state must prove its case, and a man cannot put it on the record that he pleads guilty to murder in the first degree. Now, not one of you has failed to see the situation here, the change in this defendant, in his attitude, from the time when, without the advice of any lawyer, in his state of mind there saying that "He done what he intended to do," and that he did not care what became of himself, and his attitude here now. He thinks he wants to live.

In a criminal case the ~~State~~ must prove that the person whose name is mentioned in the indictment as the person killed, is in fact dead. It is called in law the corpus delicti, or the body of the crime, and it is translated literally, and that requirement of law has been met in this case by the proof that the body of the woman who was seen in the kitchen lying dead was identified to the Coroner's physician, and to Dr. Schultze, who performed the autopsy for this office, as the body of Isabella Bradford. It was identified not only by the officer, who got the name from the defendant himself, Officer Leonard, but by Mrs. Blanche Wright, who you now know was the sister of the deceased woman. Then a photograph was produced which the doctor identified as a photograph of the woman upon

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whose body he performed the autopsy, and which the defendant, himself, admitted on the stand, was a photograph of his wife, Isabella Bradford. so that you have it that the person about whom Dr. Schultze said that she came to her death from three bullet wounds, either one of which would have proved fatal, all of them in vital spots, and in the back of her body, was in fact Isabella Bradford, the person named in the indictment, and that she was otherwise in a healthy condition, so that there was no other cause contributing to her death.

The state produced witnesses to the shooting itself, and Mrs. Hisler testified that the defendant in the usual manner that he employed with her, greeted her, he was friendly, asked where Belle was, whether she was in, and she said, "Yes, come right in, Belle is in the kitchen", and that then she walked behind him as he went into the kitchen; and she said he seemed perfectly natural, the same as ever to her. She saw him go into the kitchen where his wife was standing in front of the range, with her back to him, and say "Hello, Belle", and the woman, the wife, say "Hello." And then she testified to his saying something to her to which she replied, and something else, and then his presenting the pistol and saying, "This is for you", and firing the first shot. And she says that the woman screamed after

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the first shot, and that she ran upstairs in her fright, and heard the other shot when she was upstairs. Now, that is the testimony of a disinterested witness. And there is not one single witness in this case who has a conceivable interest, Gentlemen, except the defendant himself.

Then we produced a man who had never seen the defendant before, who saw him come out of the basement, and fire a shot in the air, and walk over towards him, across the street, and then he said to him, "What is the matter, George?" George being the name which one passerby will use to another, you know, and that the defendant said, "I shot my wife. I have just shot my wife and I had good reason to do it." He said that he stood there, he seemed perfectly normal; he noticed nothing as to his demeanor, which would indicate that he was intoxicated or in an unusual state of excitement. He said that he walked to and fro on the street, and that presently an officer came, two officers, and I think that the witness, Prince, told you under cross examination that he put up his hands, and said something to the officers.

The officers came into court and they told you that as they approached the defendant from a short distance, they saw a crowd surrounding him and that he put up his hands and said, "You might as well shoot me now." That they asked, "What have you done?", and that he made answer to

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Kotschau, the officer who arrested him, that he had just shot his wife. That they then took him into the kitchen, and there saw the body of a woman lying already dead in front of the range. That Leonard interrogated the defendant as to who the woman was, and that he said it was the body of his wife. That he gave her name, and that he ~~said~~ then was seated on a chair near one corner of the room, and that after looking about they questioned him as to whether he had shot his wife, and I will read you what it was that Officer Leonard said the defendant told him.

Page 73 of the minutes: "I asked him was the woman on the floor his wife, and he said yes. I asked him for the woman's name, and he gave me her name in full, Isabella Bradford. I asked him why he had shot his wife. He said he had a good reason, that she had not lived with him for about two years, that he had made up his mind that morning, and he went to his superintendent, received his pay, and he left there, and he went to Jersey where he bought the revolver, paying \$4.50 for it, and five cartridges, and paying ten cents for the five cartridges. He said, 'I then came back to New York,' he said, 'went up Eighth avenue, right direct to the house', he said; 'when I got there the housekeeper met me at the door. I asked the housekeeper was my wife in. She said yes, she was in the kitchen.

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I asked her could I go in. She said, 'Sure.' She opened the door and let me go in. When I got to the door I seen my wife there. I said, 'Hello, Belle'. She said 'Hello' to me."

You remember his testimony here. The defendant's testimony was that she did not answer. "I said, 'That don't suit me.' I went over to her. She had her back turned to me. The first time I shot her I shot her in the back." And then, "I don't know exactly whether it was two or three shots after that."

Now, the testimony is that Officer Leonard and Officer Kotschau then took the defendant to the station house, and that they then questioned him further, before Mr. Murphy questioned him.

On page 84, "Q Did you ask him how much money he received that day? A Not there I did not; in the station house. Q After that you took him to the station house? A Yes. Q There you questioned him again? A At that time we questioned him. He was in the back room, and Assistant District Attorney Murphy asked him questions and I was there. I had asked him some questions before that of the Assistant District Attorney."

Now, we produced further Mr. Hanson, who said that the defendant, whom he recognized, came in one day, when he could not state, but that will not be a question which

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will give you any difficulty in view of the defendant's admission that he purchased the gun at that place, and on that day. That the defendant, to his observation, showed no signs of intoxication. He said that he was only a few feet away from him, I think he said that the counter was a narrow one, about twenty-seven inches, if I am not mistaken. He said that the defendant asked him for a pistol, and he showed him several that they had, and that the defendant picked out the largest calibre that they sold, and also five bullets, or loaded cartridges, for all of which he paid \$4.60, signing a name and address in the book.

Now, I make no contention ^{to} as to why the name and address were put in that book as they were. The only contention I do make, and the only thing which I maintain the entry shows, is that it was written in a very steady hand, and he said that at the time he bought the pistol, said it right here this morning when he was on the stand, that he had made up his mind to kill. He said that his intention was to kill himself; now, that will be for you to say. But he said he had made up his mind to kill when he wrote that name in steady hand, and that address.

Now, after the detectives had questioned him he was brought into the Captain's room, and there he was questioned by Mr. Murphy. You have had an opportunity of seeing Mr. Murphy and Mr. Birchall. There is no need to say that it is nothing to them, what happened to this defend-

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ant, it is nothing to them whether you go one way or another way in this case. They are disinterested witnesses, just as the policeman who arrests a man for drunkenness on the street, has no interest, except to see that justice is done.

Mr. Murphy says that he took the statement in order that, I think he said, in case the man were put on trial, it might be used, and he warned him of the predicament he was in, told him that whatever he said might be used against him. He said that was not required by law, but that he always did it. That shows the attitude of a man is fair. And after that warning, the defendant, after being told that if he cared to say anything Mr. Murphy would be glad to take it, proceeded to tell his story.

Now the defendant told you here that he had a lapse of memory during that time, a lapse of memory similar to the one which he had during the shooting, and similar to the one which he had when he was questioned in the kitchen by Officer Leonard. He describes it variously as a fainting fit, as a loss of memory, and as lack of paying attention to the questions, or to the talking of the People about him.

Now, this statement is highly important in the case. It is the most important thing in all the evidence, because while the shooting is not denied, the motive and the

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intention are the subject of contention in this case. And the key note to the defendant's state of mind is contained in this statement which was taken by Mr. Murphy, and the stenographer, Birchall. It was taken, remember again, before he had had the advice of a lawyer. It was taken about two hours after the crime was committed, so that his condition when it was taken becomes important as reflecting back on his condition at the time he committed the crime. And it is important because he was fairly frank with Mr. Murphy.

He answered the first preliminary questions as to his age and place of birth, and the maiden name of his wife, and how long he had been in this City, just as the facts were stated by him in court. Now, that may or may not be of importance. I think it is of importance because it shows that he did answer the questions that were put, that he answered them intelligently; and then when he goes on and relates the difficulties, the troubles that he had with his wife, which I am not going to trouble to read to you again, he states them in substantially the same form as he did here in court, until he began to see what I was driving at in the cross examination, when he said that some of the facts were misstated in this statement. It will be for you to say whether he did that because he saw what I

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was driving at, or whether Mr. Murphy and Mr. Birchall made the story up.

Now, this history of his troubles with his wife is simply a repetition of the history of thousands and thousands of cases of an unhappy union between a man and a woman; it is no excuse for murder, it is no mitigation for murder; there is not anything in it that can possibly lead you, Gentlemen, to say that this man was overwrought, in such a state of mind that he did not know what he was doing when he took the life of his wife. He had been away from his wife after all these troubles occurred, he had lived apart from her, and he had lived with two other women. He had plenty of time to think of that, and he had evidently overcome that, because he was seeking to get her to take him back, promising "to treat her better." If that throws any light on which answer was correct, whether he had intercourse with Sylvia Gray a month before he left his wife, or a month after.

I say I am not going to read it because I think it has no bearing on this case whatsoever. It is the lamest kind of excuse. It does this much, it shows you that he was an unjust judge of that wife of his. He told Mr. Murphy that he had never seen his wife with another man, that he never heard the name of another man that she was with, that

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no one had ever come to him and told him that they had seen her with another man, outdoors or indoors alone; that all he knew as a fact was that she had attended some parlor socials,-- and that was the crime for which he made himself judge, jury and executioner of that woman!

He was asked by Mr. Murphy, "Why did you give up the job? A Why did I give it up? On this account, because I meant to do it, and I ain't particular about no trial at all, just go on and kill me, do what you want to." There was the state of mind that this coward had at that time.

MR. ARANOW: I respectfully object to the District Attorney reading from a paper in front of the jury, facing the jury, holding a paper in his hand, which had heretofore been offered in evidence and rejected by the Court.

THE COURT: Well, the District Attorney is reading what is in substance in the testimony.

MR. ARANOW: I merely want to place my objection on the record.

THE COURT: Perhaps the District Attorney had preferably read from what appears in the stenographer's minutes on trial.

MR. WELLMAN: I have asked the questions from this paper. I do not think it appears on the record from what paper I read. If counsel objects to anything I say on

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the ground it is a misstatement of what was said in court, that may be done, but it seems to me that I have a right to read from anything, or to state it from my recollection, if I so choose, from any memorandum or paper that I may have, so long as it is subject to his correction, and he can follow me in the minutes.

MR. ARANOW: The District Attorney knows I have not a copy of anything.

See
MR. WELLMAN: I will give you my copy.

MR. ARANOW: May I have a ruling on my objection, if the Court pleases?

THE COURT: My ruling is that the District Attorney may read from anything, as long as what he reads is something that is embodied in testimony in the case.

MR. ARANOW: That was the same testimony ---

THE COURT: It is entirely immaterial from what paper the District Attorney may read, as long as he reads that which is in evidence in the case.

MR. ARANOW: May I respectfully except?

THE COURT: Yes.

MR. ARANOW: I would like to call your Honor's attention just at this moment to the fact that this is the same testimony that I read from the stenographer's minutes, and which your Honor stopped.

OK
THE COURT: Now, I stopped you for an entirely different reason. You assumed to comment upon the way in which

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the defendant is said to have spoken, as based upon and indicated by ^athe given paper.

MR. ARANOW: I see.

THE COURT: And I did not allow it because that paper was not in evidence.

MR. WELLMAN: May I proceed now, your Honor ?

THE COURT: You may proceed, Mr. Wellman.

MR. WELLMAN: "Q And where did you get the gun?

A I bought it in Jersey City." Now, in following this Gentlemen, bear in mind that the man is giving, detail by detail, exactly what his actions were that day, and that should be taken into consideration in connection with his state of mind, and whether or not he was, as he said to Mr. Murphy, in his right mind, and doing nothing out of the ordinary. "I bought it in Jersey City. Q Why did you go over there? A Oh, I didn't know where to get them around there. The first gun I ever had, the first one I ever bought, and I don't want another one."

Then he stated what he paid for the pistol, and how he went over on the Pennsylvania. "Q From what street? A From Cortlandt street." And then how he went: "Straight up the street, about three or four blocks up on this side, there is a stationery -- but first I went into a hardware store right across from it " -- and you remember Mr. Hanson testified that he was three and a half blocks from that

ferry, his store was, and that right across the way was a hardware store. You see the man was absolutely in possession of his senses, while he was there. He took notes to the minutest particular of what he did, and what the lay of the land was over there. --"and I asked him did he have any, and he said no, and he showed me where to get it. Q In a stationery store? A In a stationery store right across the way." He said he did not notice what street it was on, but there was a carline on the street. "Q And did you get the bullets there too? A Got the bullets there. Q How many bullets did you get? A Got five. Q Did you put them in the gun, or did the man put them in? A I put them in myself. Q And where did you put them in, right there? A Put them in over on the New York side. Q Where? A The place I put them in, I got off the L at 59th street and between 62nd and 61st, in that barrel house there, I goes in there, in the toilet, and unwraps the gun and puts the bullets in. Q Yes. And from there where did you go? A Went directly up to do my work. I went to do it, so that is all there is to it. Q Who let you in there? A Who let me in? The caretaker, you know, the --they got a janitor like there. She is not exactly a janitor, we call her the caretaker."

Then he says how she greeted him, and how he came in, and I will read this because he said here that she made no

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answer, that he does not remember her making any answer, and that his wife made no answer when he greeted her.

"Q Did you say anything to her when she let you in? A I said, 'How do?' That is all. She says, 'Come right in.'

Q Did you ask her where Belle was? A I asked her was Belle in and she says, 'Yes, she is in', and opened the door wide to signify to come right on. I went in, and went straight down the hall into the kitchen."

This is the man who would have you believe that he had had any amount of whiskey, and would have you believe he was in a state of mind where he did not know what he was doing, and could not take note of what was going on about him.

"Q And when you got to the kitchen door, was the door open or shut? A It was open. Q And was Belle in the kitchen? A She was there. Q Where was she standing? A Standing at the stove, at the range, rather. Q Did you say anything to her? A I say 'How do you do?' Q Yes? A She said, 'How do you do' too, but that didn't go for me. I just did that on purpose. I meant to do it, that's all. I went there for that."

Now, my friend says what does "it" mean? Well, what do you suppose it means?

"Q When you said 'How do you do' where were you? A I was coming through this here last door before you

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come to the kitchen. " He knew exactly where he was.

"Q Well, did she have her back turned to you, or was she facing you? A She had her back turned. Q And how far did you go toward her before you fired the first shot? A I went right up on her, as close as from here to this." And then Mr. Murphy said, "Indicating a distance of a few inches", and you remember the stenographer indicating.

"Q Did you fire the first shot into her back? A I did.

Q Whereabouts? A Well, around the shoulders there. I didn't take no particular notice." It is hard to see when you fire a shot just where it takes effect. "Q What did she do when you fired the first shot? A She screamed, you know." He took note of that. That was the very thing that Mrs. Hisler said she did, that she screamed. Now, do you doubt that he told that to Mr. Murphy, and that he told it in his right mind, that he was perfectly aware of what he was doing when he told it?

Q Did she fall down? A No, she didn't fall down then, she didn't fall down until the second bullet hit her. Q Where did you fire the second bullet at her; did she turn around? A She went to twirl, yes, she went to turn around and I tried to strike her. Q She tried to strike you? Now, you see, he did not even let that mistake go uncorrected: "A I tried to strike her. She didn't raise no attempt to

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strike me, and she fell when the second bullet struck her, and I fired the third one. Q When she was down? A When she was falling. Q When she was falling down? Do you know whether the second bullet struck her? A I do not. Q Do you know whether the third bullet struck her? A I don't know where any of them struck her, only I could see fire burning on her shoulder, between her left shoulder blade." That is just what the officers said they found, a charred portion of the shirtwaist at the back.

"Q In the back of the dress? A Yes, sir. Q Then what did you do, after you fired the third shot? A Walked out. Q Where was the woman who let you in? A She was upstairs. She heard the reports of the revolver, and she goes upstairs and screamed." You see, he took note of everything that happened, this man, who walked out just as calm as he walked onto the stand today, ^{calmer}--in fact. Then he tells how he went out, that he went out the way he came in, the basement entrance. "I fired the gun off up in the air. Q Yes? A And threw it away. Q How many times did you fire it up in the air? A Fired it only once, because if it had of went the other time I certainly would have been dead. I don't know how come that fifth bullet didn't go off. Q Did you fire one in the hallway? A I did not. Q Are you sure? A Well, I am quite positive." And then he told about throwing the gun in the street. Then he

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was asked: "Q Then what did you do, after you threw it in the street? A I walked to and fro, waiting for a cop."

That is just what the witness Prince said that he did, walked to and fro. "Q Well, you knew you had done something wrong? A I knew it; I admit it. Q You knew it was wrong to do that when you went to do it, didn't you? A I must admit that. Q And how long had you been planning to do this? A Well, just since last night."

Now, you know that a man who is not educated speaks of the early hours of the morning as night; you cannot get them to say it is the next day after twelve o'clock.

"Q Well, what made you determine last night to do it today? A Well, what made me do that? Because she gives a party there last night, and I surely thinks, and if you will trace the matter you will find it out, that they was giving a farewell party to the fellow she had been with previous, don't you understand?" You remember he said that he had telephoned to his wife and asked her to come up to see him. I do not know for what purpose, why it was that he wanted her, to get her in his place where he lived. I do not know what the purpose was; I have no right to say. At any rate he wanted her to come to his place where he lived, although he knew where he could find her. And she had given as an excuse that she could not come, but she would be up the next night, or later on in the week. And then

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he hears about this party being given by his wife, or her sister, and he understands why it is that she could not come up to see him, and that is just enough for him, he said that that disgusted him. I will read that:

"Q In other words, you expected her to come up and see you tonight? A I did, yes. Q And then when you heard this morning about the party that she gave last night, then you made up your mind you were going to kill her? A That just disgusted me, yes, sir." Then he said what has been read already about the whiskey, that it was not to get the nerve up; the nerve was already there.

"Q You had your mind all made up to do it, then? A To do it." And he was asked, "How did they affect you?"--the

drinks of whiskey that he had--"A Well, I had still--I still had my right mind. I wasn't doing anything out of the ordinary. Q You knew what you were going to do, and it didn't change your mind any by having the whiskey? A I did. Whiskey ain't going to change it at all when I got it made up. Q It didn't make you change your mind at all? A No, sir."

Now, there is a statement of deliberate, premeditated murder. You cannot get around it. There was no reason why that man should have said that, if it was not true. He has not taken the stand that he said it, but it was not true, so the only question for you is whether or not he said that.

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Now, do you think that it is Mr. Murphy and Birchall and Officer Leonard and Officer Kotschau who are conspiring to send this man to his death, or do you think it is this man who is trying to crawl out of this hole in which he put himself that awful day when he committed that awful murder? Have you any doubt in your minds which it is? Mr. Aranow has only got one of you twelve men to convince, and I have got twelve of you, so if I have said much that was not necessary to be said, realize that I have that in my mind, I have a duty to perform here, and it makes no difference to me, and it makes no difference to the State what happens, so long as justice is done. The State does not seek victims, we do not want to see an innocent man sent to the chair. It is a very serious matter, and it is only in a case where a man is absolutely guilty of premeditated murder that you should send him to his death.

Now, when that man gave up his job, asked for some money, took it, and went away, he says he did it in order to go and do that deed, that he had it in mind then, that his mind was made up when he left the job. He says that he told his employer that he was going to leave the City. He said, "Well, I had a little family affairs and I have to leave the City or I will kill somebody. I was ready to do the crime then, but I said that because I was afraid he would not pay me. That is why I said it." He did not want to be put off, waiting for his pay until later, so he said

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he was going to leave the City. "I must have my money so I can get out, because I am going away from the City."

And now, does that show whether he had money before or not? He said to Mr. Murphy in answer to a question whether he had any money, "No". "Q. Didn't you have any money until he paid you? A. I did not. Q. How much did he pay you? A. It was \$9.32 altogether, but I owed him two, so it would make it \$7.32 I got altogether."

Now, the defendant was not asked by Mr. Murphy about his breakfast, or his lunch. It was left simply that way, that he had \$1.45 when he came back. \$1.45 added to \$4.60, which he paid for the revolver and the cartridges, and 30 cents I think Mr. Aranow said for carfare--

MR. ARANOW: 16 cents.

MR. WELLMAN: 16 cents for carfare. That would leave him in the neighborhood of \$1.20, and he said that Old Crows were fifteen cents a drink, so that if he bought no lunch, bought no breakfast, spent no money except what we have been told about, he would have had enough for eight drinks of Old Crow.

But when a man acts the way this man did, when he records every single thing that happened, everything he did, how the door was, where his wife stood, what she said to him, and what he said to her, and states besides that he had his right mind and was not doing anything out

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of the ordinary; and when witnesses who take his examination two hours later, and witnesses who had never seen him before, but who saw him on the street, and witnesses who had seen him before and admitted him to that building, and the witness of whom he bought the revolver, and the sheet that he signed when he bought the revolver, when these are all produced, and they all go one way: that there was no sign of intoxication upon him, and no sign of anything out of the ordinary about him, what are you going to say when he comes into court and in his extreme condition here today, with everything at stake, tells you that he did not know what he was doing?

Can there be any reasonable doubt-- any doubt at all -- in the mind of a reasonable man, that the defendant has yielded to the awful temptation that confronts a man in his position, to lie,--for if by lying he can detach any one of your minds--then he won't have to go to that awful death that he fears, that he trembles here in the sight of.

It seems to me, Gentlemen, that we have come to the end of the case. I do not see what more there is to be said. I do not believe there is any one of you who has the slightest bit of doubt in his mind that this murder was not only premeditated and deliberate, that it was done with the intention to kill, but that it was a brutal,

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cowardly, cold-blooded murder. He killed his wife, the woman he had sworn to cherish, love and protect! That is an awful thing, Gentlemen. You are all of you married men, you know what that is. He had been living with other women, judged his wife by a few appearances, a few little parties, and made up his mind that when she did not ask him to that party he was going to kill her,--and then he asks you to save his life.

Now, I contend, Gentlemen, that the State has borne its burden, that, disagreeable as it is for all of us, for you and for me, there is only one conclusion that you can reach, and that you have got to reach; and I ask you to stiffen your backs, and do your duty bravely.

(The Court charged the jury as follows:)

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~~THE PEOPLE vs. ALLEN BRADFORD.~~

THE COURT'S CHARGE, Crain J.

The defendant, Allen Bradford, Gentlemen of the Jury, is charged with the crime of murder in the first degree. It is charged that on the 23rd day of November, 1915, in the County of New York, under circumstances making the killing of Isabella Bradford by the defendant the crime of murder in the first degree, he killed her on that day.

The charge or accusation is formulated in a paper known as the indictment, which has been preferred by the Grand Jury of the County of New York. It creates no presumption that Allen Bradford is guilty, and you have been impaneled and are acting as jurors in this case so that you may determine from the evidence, and from the evidence as you recollect it, in the light of the law as the law will be stated to you in this charge, whether or not the defendant, Allen Bradford, is guilty of the crime of murder in its first degree, and under the circumstances to be stated in this charge, whether or not he is guilty of the crime of murder in its second degree, and under certain circumstances to be stated in this charge, whether he is guilty of manslaughter in the first degree.

In the domain of fact you are supreme. You are the exclusive judges of the facts. It follows from that

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that it is your duty to weigh the evidence in order that you may determine what is the truth, so that your verdict will be that which you believe to be true.

 [The evidence to be weighed consists of the spoken word of witnesses responsive to questions put in so far as the answers have been allowed to stand, not having been stricken out upon motion of the defendant's counsel, or upon motion of the Assistant District Attorney, or by the Court of the Court's own motion. The evidence also includes all exhibits which have been offered and marked in evidence. The evidence does not include anything which was said by any witness which was stricken out under any of the circumstances mentioned. It does not include any exhibits merely marked for identification, and not received in evidence. It does not include any colloquy or conversation that there may have been between counsel during the pendency of the trial. It does not include anything which may have been said by the Court during the pendency of the trial in ruling upon any question of law presented by an objection taken, or a ruling in the decision of any motion during the pendency of the trial, and you are now pointedly and specifically told that you will not regard or consider anything not embraced within the definition of evidence to be considered as that definition has been given to you in this charge, and that you will draw no inference whatsoever that the Court entertains any opinion as to what your

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verdict should be in this case from any ruling which the Court has made during the pendency of the trial, or from any decision which the Court has made of any motion during the pendency of the trial. Those rulings, and those decisions, do not import the presence of any opinion by the Court as to what your verdict should be.

The evidence may be said to be that which is to be weighed, and the law, as the law will be stated in this charge, represents what may be called the weight on the other side ~~of the other side~~ of the balance. The evidence is that which is to be measured, and the law represents the measuring stick by which it is to be measured: And what the law applicable to the case is you will gather from this charge to you, and from no other source.

If you have followed me to this point you will see that what I have said may be regarded as, in a certain sense, preliminary or introductory: that your attention was invited to what the charge against this defendant was as contained in the indictment; that your attention was then invited as to what your function was; that your attention was then directed to the fact that that function had to be exercised in the consideration of what was termed "evidence", and that you were then told what was to be regarded as embraced in the term "evidence" as that term was to be used in this charge to you, and that the law of the

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case was to be given to you by the Court in the charge. I now proceed to invite your attention to certain parts of certain sections of the Penal Law, defining what it is that constitutes homicide, what it is that constitutes that kind of homicide that is murder in its first degree, what it is that constitutes that kind of homicide that is known as murder in its second degree, and what it is that constitutes that degree of homicide which is known as manslaughter in the first degree.

Your attention will not be directed to what the law has to ^{as to} say what it is that constitutes excusable homicide, nor yet to what the law has to say in respect to what it is that constitutes justifiable homicide, nor yet to what it is that the law has to ^{as to} say what it is that constitutes manslaughter in its second degree, unless, at the conclusion of this main charge the Court is specifically requested to bring your attention to those provisions of law; and those definitions are omitted because, in the view which the Court now takes of the evidence in this case, in the light of the summation made by the defendant's counsel, in the defendant's behalf, those provisions are inapplicable in this case.

The Court will not read in the first instance everything contained in the various sections which define the crimes of murder in its first, and murder in its second

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degree, and manslaughter in its first degree, but on the contrary will read only those portions of the sections containing those definitions which in the opinion of the Court are applicable in any conceivable view of the evidence in this case. The reading in the first instance will be without comment, and without any statement by way of analysis, but when that reading is completed the ground will be retraversed, and your attention re-directed to the definitions referred to, and at that time and in that connection those definitions will be commented upon and analyzed for your information and guidance.

It is the law that no person can be convicted of murder or manslaughter unless the death of the person alleged to have been killed, and the fact of killing by the defendant, as alleged, are each established as independent facts, the former by direct proof, and the latter beyond a reasonable doubt.

Homicide is the killing of one human being by the act of another.

Homicide is murder, or manslaughter, or excusable homicide, or justifiable homicide.

The killing of a human being, unless it is excusable or justifiable, is murder in the first degree, when committed from a deliberate and premeditated design to effect the death of the person killed.

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Such killing of a human being is murder in the second degree, when committed with a design to effect the death of the person killed, but without deliberation and premeditation.

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Such homicide is manslaughter in the first degree, when committed without a design to effect death; in the heat of passion, but in a cruel and unusual manner, or by means of a dangerous weapon.

Your attention is now invited to the law's definition of the crime of murder in its first degree. That definition was read to you a moment ago. It is found in section 1044 of the Penal Law. It reads in part: "The killing of a human being, unless it is excusable or justifiable, is murder in the first degree, when committed from a deliberate and premeditated design to effect the death of the person killed."

Before a person can be lawfully convicted of the crime of murder in its first degree, the evidence must satisfy a jury beyond a reasonable doubt that the one charged with the crime was possessed at the time of its commission with a design to effect the death of the person killed, and that that design answered to the description of a deliberate design, and that it also answered to the description of a premeditated design; or, in other words, that it was a design which had been deliberated upon, and

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which had been the subject of premeditation, and that he was possessed of such a design, ~~and that such~~ design fructified into action, the action being the killing by the one so possessed of such design of the person charged to have been killed, and that that act was neither excusable homicide nor justifiable homicide.

In the case of People against Koenig, reported in Volume 108 of the New York Court of Appeals Reports, and decided by the Court of Appeals in the month of December 1904, the opinion of the Court was written by Chief Judge Cullen. In the course of that opinion, Chief Judge Cullen said:

"Probably the best definitions of murder in the first degree under our present law are to be found in the opinions in Leighton against the People, 88 New York, 117, and People against Majone, 91 New York, 211." Further on in the same opinion, that is to say, in the opinion of the People against Koenig, Chief Judge Cullen says:

"I very much question whether these statements of the law (referring to a quotation or statement in the case of the People against Leighton) can be substantially improved, and I think it would be far wiser for trial courts to adopt these definitions (referring to the definitions contained in the Leighton case and in the Majone case) than to refer to cases which arise under different statutes."

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Adopting the suggestion of Chief Judge Cullen so made, I invite your attention to the first of the two cases so referred to by him, namely to the case of Leighton against the People, reported in Volume 88 of the New York Court of Appeals Reports, and decided by the Court of Appeals in the month of February, 1882. The opinion of the Court in that case was written by Judge Danforth, and during the course of Judge Danforth's opinion, he says:

"To bring the case within the statutory definition of murder in the first degree, it was necessary that the crime should be perpetrated from the deliberate and premeditated design to effect the death of the person killed. An act coexistent with and inseparable from a sudden impulse, although premeditated, would not be deemed deliberate, as when under sudden and great provocation one instantly, although intentionally, kills another. But the statute is not satisfied unless the intention was deliberated upon. If the impulse is followed by reflection, that is deliberation; hesitation, even, may imply deliberation; so may threats against another, and selection of means with which to perpetrate the deed. If, therefore, the killing is not the instant effect of impulse, if there is hesitation or doubt to be overcome, a choice made as the result of thought, however short the struggle between the intention and the act, it is sufficient to characterize the crime as deliberate and premeditated murder."

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Not long afterwards, the second case referred to by Chief Judge Cullen in the case of the People against Koenig, namely, the case of the People against Majone, was decided by the Court of Appeals. It was decided in the month of January, 1883, and the opinion in the case is reported in Volume 91 of the New York Court of Appeals Reports, and was delivered by Judge Earle. In the course of that opinion Judge Earle says:

"Under the statute, there must be not only an intention to kill, but there must also be a deliberate and premeditated design to kill." (And Judge Earle is referring to the statute relating to the crime of murder in its first degree) "Such design must precede the killing by some appreciable space of time. But the time need not be long. It must be sufficient for some reflection and consideration upon the matter, for choice to kill or not to kill, and for the formation of a definite purpose to kill. And when the time is sufficient for the purpose, it matters not how brief it is. The human mind acts with celerity which it is sometimes impossible to measure, and whether a deliberate and premeditated design to kill was formed must be determined from all the circumstances in the case."

What did the defendant do, as disclosed by the evidence, on November 23rd, 1915? Did he on that day, in the

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County of New York, without justification or excuse, discharge a loaded firearm, so that the bullet or bullets from it penetrated the person of Isabella Bradford, and so that they inflicted upon her a wound or wounds from which she died? And if so, did the defendant so do because he was possessed of a design to kill Isabella Bradford, and moreover, a design which was a deliberate design, and a premeditated design, as those words have been defined in the cases which have been brought to your attention? If you answer those questions in the affirmative, for the reason that you entertain respecting the propriety of the affirmative answers, and each of them, no reasonable doubt upon the evidence, then you will find the defendant, Allen Bradford, guilty of the crime of murder in the first degree, as charged in the indictment upon which he is on trial.

If upon the evidence you believe the defendant to be innocent of that crime, or, if upon the evidence you entertain a reasonable doubt respecting his guilt of that crime, you will consider the question of his guilt or innocence of the crime of murder in its second degree. Your attention is therefore now invited for the second time to the law's definition of the crime of murder in its second degree. It is found in Section 1046 of the Penal Law. That section reads:

"Such killing of a human being is murder in the

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second degree, when committed with a design to effect the death of the person killed, but without deliberation and premeditation."

The force of the word "such" is to exclude from the operation of the section, or to put it perhaps differently, to exclude from what would otherwise be the crime of murder in its second degree, a killing that is excusable, or a killing that is justifiable, so that paraphrasing the section, it may be said to read that a homicide which is neither justifiable homicide, nor excusable homicide, is murder in the second degree, when committed with a design to effect the death of the person killed, but without premeditation and deliberation.

There is a similarity between the crime of murder in the first degree, and the crime of murder in the second degree, and there is a difference between the crime of murder in the first degree and the crime of murder in the second degree. The similarity consists in part in the circumstance that in both the crime of murder in the first degree and the crime of murder in the second degree, there must be present a design on the part of the one who is accused with the commission of either of such crimes, to effect the death of the person killed, before he can be found guilty of either the one or the other. But the difference is this: that, as you have been already told, a design which is required to be

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established by the evidence before a person can be lawfully found guilty of the crime of murder in the first degree, must be a design which answers to the description of a deliberate design, and a premeditated upon design, whereas, contrariwise, in the case of murder in the second degree, the evidence need only establish in that regard a design without deliberation and premeditation. Deliberation and premeditation are not elements in the crime of murder in the second degree. They are elements in the crime of murder in the first degree.

If, under the circumstances mentioned, you should come to the consideration of the question of this defendant's guilt of the crime of murder in the second degree, and should thereupon believe him to be innocent of that crime, or upon the evidence should entertain a reasonable doubt respecting his guilt of that crime, it will be your duty to consider the question of this defendant's guilt of the crime of manslaughter in the first degree. For that reason your attention is again invited to the law's definition of the crime of manslaughter in the first degree. It is found in Section 1050 of the Penal Law, and reads in part as follows:

"Such homicide (and here again the force of the word "such" is to exclude homicide which is either excusable homicide, or justifiable homicide) is manslaughter

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in the first degree, when committed without a design to effect death; in the heat of passion (and in the alternative either) in a cruel and unusual manner, or by means of a dangerous weapon."

The distinction between murder in its first degree, and murder in its second degree on the one hand, and manslaughter in its first degree on the other, is that in manslaughter in its first degree, the evidence need not go to the point that the defendant did what he did because he was possessed of a design to effect the death of the person killed, or to effect death. A person may be lawfully convicted of manslaughter in its first degree where the evidence establishes to a jury's satisfaction the death of the one who is said to have been killed, that the killing was by the one who is charged with having done it, and that, in the alternative, it was either done in the heat of passion, but in a cruel or unusual manner, or that it was done by means of a dangerous weapon.

It now becomes my duty to invite your attention to certain provisions of law which are applicable, that is to say, which are to be taken into consideration in connection with the charge contained in the indictment which charges the defendant with the crime of murder in its first degree, and which are also to be taken into consideration, should you under the circumstances already stated come to

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the consideration of the question of this defendant's guilt of the crime of murder in its second degree. And these provisions are brought to your attention, because, as I recollect the testimony in this case, there is some testimony in the case bearing upon the question as to whether or not the defendant was intoxicated, or under the influence of liquor on November 23rd, 1915, at the time of the alleged killing on that day of one Isabella Bradford, and you will recall what that testimony is.

Section 1220 of the Penal Law is entitled, "Intoxication as a Defence", and the section itself reads as follows:

 "No act committed by a person while in a state of voluntary intoxication shall be deemed less criminal by reason of his having been in such condition." That may be called the first part of the section. That is what is embraced in the first sentence of the section. What may be called the second part of the section, reads as follows:

"But whenever the actual existence of any particular purpose, motive, or intent is a necessary element to constitute a particular species or degree of crime, the jury may take into consideration the fact that the accused was intoxicated at the time, in determining the purpose, motive or intent with which he committed the act."

The word "intent" as used in this section is regarded by the Court now charging you as being for all legal

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purposes the equivalent of the word "design", as that word is used in the law's definition of murder in its first degree, and the law's definition of murder in its second degree. It is for that reason a section to be taken into consideration in conjunction with the charge against the defendant as contained in the indictment, namely, the charge of murder in the first degree, and to be taken into consideration in connection with the charge of murder in the second degree, in the event that under the circumstances stated you should come to the consideration of the question of this defendant's guilt of that crime. Persons who observe the acts and conduct of another may express an opinion as to whether such other was intoxicated. The testimony that a man was intoxicated, or that he was not intoxicated, is unobjectionable from a legal standpoint when it is limited, as it has been in this case, to what the witness saw, of intoxication on the one hand, or sobriety on the other: it may be proved by witnesses who observed the person's conditions and acts. Drunkenness, or the absence of it, may be proved by observation, and expert evidence on the subject is not necessary. A competent witness may describe the actions, words and conduct of a person and express, as has been done by witnesses in this case, an opinion as to whether or not he was intoxicated. What is

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it that the evidence establishes, if anything, respecting the defendant's condition as to intoxication or sobriety on November 23rd, 1915, at the time of the alleged killing on that day of the one known as Isabella Bradford? Was the defendant intoxicated at that time, or was he at that time not intoxicated? If he was intoxicated, what, if anything, does the evidence show respecting the extent of his intoxication? If he was intoxicated, had it the effect to prevent him from having a deliberate and premeditated design to effect the death of Isabella Bradford, so that by reason of its effect he had no such deliberate and premeditated design to effect her death. If, upon the evidence, you find that he was at such time intoxicated, and that at such time by reason of such intoxication he had no deliberate and premeditated design to effect her death, you cannot lawfully find him guilty of the crime of murder in its first degree. Likewise, if, upon the evidence, you find that he was intoxicated, and intoxicated to such an extent that by reason of such intoxication he was incapable of and did not form any design to effect the death of the deceased, you cannot lawfully find him guilty of the crime of murder in its second degree. But, if, on the other hand, you are satisfied from the evidence, beyond a reasonable doubt, that Isabella Bradford is dead, and that she died from pistol shot wounds inflicted by the discharge of a pistol in the hands of the defendant, and that

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the defendant discharged such pistol and so wounded the deceased, and the pistol wounds so effected her death, from a deliberate and premeditated design to effect the death of Isabella Bradford, you may lawfully find him guilty of the crime of murder in its first degree, although he was intoxicated at the time.

Two cases in this connection are brought to your attention. The latest is the case of the People against Gerdvine, reported in Volume 210 of the New York Court of Appeals Reports, and decided by the Court of Appeals in the month of February, 1914. The opinion in that case is written by Judge Miller, and at page 186 Judge Miller says:

"Section 1220 of the Penal Law (and that is the section that was read to you) provides, 'No act committed by a person while in a state of voluntary intoxication, shall be deemed less criminal by reason of his having been in such condition. But whenever the actual existence of any particular purpose, motive or intent is a necessary element to constitute a particular species or degree of crime, the jury may take into consideration the fact that the accused was intoxicated at the time, in determining the purpose, motive or intent with which he committed the act.'"

"The statute permits any, not simply total, intoxication to be considered on the question of intent. (People

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Leonardi, 143 New York, 360, People against Corey, 148 New York, 476) It was for the jury to determine the extent of the intoxication and whether it had the effect to prevent the necessary intent, deliberation and premeditation. A mere reading of the statute with proper caution against considering intoxication as an excuse would have informed the jury what weight to give to the matter."

You will regard the language so quoted from the opinion of Judge Miller as being incorporated in this charge, and made a part of this charge.

In the case of the People against Leonardi, referred to, as you will have already noticed, in the case of the People against Gerdvane, the opinion of the Court of Appeals was delivered by Judge Peckham. The case is reported in Volume 143 of the New Court of Appeals Reports, and was decided in October, 1894. Judge Peckham says,

"At commonlaw, drunkenness was not only not an excuse for crime, but evidence of intoxication while admissible, and to be considered in the same cases, was yet generally of no avail. If a man made himself voluntarily drunk it was no excuse for any crime he might commit while he was so, and he had to take the responsibility of his own voluntary act. If the assault were unprovoked, the fact of intoxication would not be allowed to affect the

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legal character of the crime. The fact of intoxication was not to be permitted to be even considered by the jury upon the question of premeditation. These principles are stated in many cases in this court." He then cites three cases, and then proceeds to add what is today the law:

"The strict rule of the commonlaw has, however, been slightly relaxed by our Penal Code, the Twenty-second Section of which reads as follows: (And that Twenty-second section of the Penal Code was in the same language as Section 1220 of the Penal Law just read to you)

"Under this Section, (continues Judge Peckham) it had been held by this court that it is not proper to charge the jury that the mere fact of intoxication is necessarily evidence even tending to show an absence of premeditation and deliberation. Such facts, the Court said, might tend in some cases to show absence, while in others it might not. We held that it was now simply the duty of the judge to leave it to the jury to take into consideration the question of intoxication, determining the motive or intent of the accused, and whether he acted with deliberation and premeditation. We do not think that under this statute the intoxication need be to such an extent as to necessarily and actually preclude the defendant from forming an intent or from being actuated by a motive before the jury would have the right to regard it as having any

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legal effect upon the character of the defendant's act. Any intoxication, the statute says, may be considered by the jury and the decision as to its effect rests with them. That a man may be even grossly intoxicated and yet be capable of forming an intent to kill or to do any other criminal act is indisputable, and if, while so intoxicated, he forms an intent to kill and carries it out with premeditation and deliberation, he is without doubt guilty of murder in the first degree, and the jury should, when such a defence is interposed, be so instructed. It is a most important and far reaching statute in its possible effects, and the jury ought to be warned that where the criminal act is fairly and clearly proved, the fact of intoxication as furnishing evidence of the want of criminal intent which the proof might otherwise show, should be considered by it with the greatest care, caution and circumspection and such fact ought not to be allowed to alter the character or grade of the criminal act unless they have a fair and reasonable doubt of the existence of the necessary criminal purpose or intent after a consideration of such evidence of intoxication." He proceeds to say: "It ought always to be borne in mind that by the terms of the ~~very~~ statute cited, no act committed by a person while in a state of voluntary intoxication shall be deemed less criminal by reason of his having been in such condition. In other words,

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it should still be remembered that voluntary drunkenness is never an excuse for crime."

He then proceeds to add, after a part which I omit:

"By our statute deliberation and premeditation are necessary constituents of the crime of murder in the first degree, and if by reason of intoxication the jury should be of opinion that the deliberation or premeditation necessary to constitute murder in the first degree did not exist, the crime is reduced to a lower grade of murder, or in the absence of any intent to kill, then to manslaughter in some of its grades. The intoxication need not be to the extent of depriving the accused of all power of volition, or of all ability to form an intent. The jury should be instructed that if the intoxication had extended so far in its effects that the necessary intent, deliberation and premeditation were absent, the fact of such intoxication must be considered, and a verdict rendered in accordance therewith."

You will regard, Gentlemen, the language of the opinion as incorporated in and as forming a part of this charge, and you will give it the same effect as though instead of reading from that opinion I had stated to you what that opinion says as being the law of this case on the subject of intoxication.

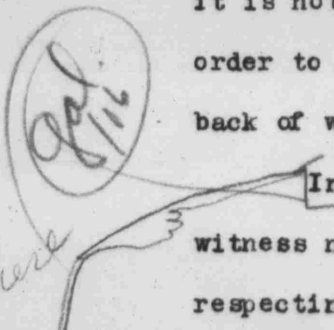
This, Gentlemen, is a criminal action. The defendant

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in a criminal action is presumed to be innocent until the contrary be proved, and in case of a reasonable doubt, as to whether his guilt is satisfactorily shown, he is entitled to an acquittal.

The burden of proof is upon the prosecution. That burden requires that before the defendant can be lawfully found guilty, you must be satisfied from the evidence beyond a reasonable doubt of his guilt.

A reasonable doubt is a doubt that is founded in and sustained by reason. It is not a whim, it is not a caprice, it is not the action of unreasonable sympathy, it is not a mere subterfuge to which resort can be had in order to avoid doing a disagreeable thing. It is a doubt back of which there is a "because".

Here  In this case certain evidence has been given by a witness named Nathan Birchall, and by Mr. Deacon Murphy, respecting certain statements said to have been made by the defendant on the afternoon of November 23rd, 1915, at a station house in this City, in response to questions put to him, the defendant, by Mr. Murphy. The first of the two witnesses named testified, as I recall his testimony, that he was a stenographer by occupation, and at present in that capacity connected with the office of the District Attorney of the County of New York. As I recall his tes-

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timony, he purported to state in response to questions put to him, his present recollection of the substance of what he says he heard the defendant say on that occasion, and his recollection being exhausted, he was permitted by the Court to refer to certain notes, which he says that he made at the time, and which he says were accurate when made, for the purpose of refreshing his recollection.

A witness may, while under examination, refresh his memory by referring to any writing made by himself at the time of the transaction, and concerning which hwe is questioned, or so soon thereafter that the judge presiding at the trial considers it is likely that the transaction was at that time fresh in his memory.

One of the instances in which memory may be so refreshed is when the witness is referring to the writing, and by referring to the writing is enabled to actually recollect the facts and can testify from, in reality, memory. The writing may be the original one made by the witness while the facts were fresh in his mind. It is not the writing, but the recollection of the witness that is evidence in the case. The notes taken by the stenographer at that time are not in evidence in this case. The transcription which he made as he says of those notes is not in evidence in this case.

There is a provision of law contained in the Code of Criminal Procedure to which your attention will now be

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directed in connection with testimony as given by the two witnesses referred to, and in connection with such further evidence as may be in the case, respecting statements said to have been made by the defendant to different persons.

It is the law that the confession of a defendant, whether in the course of judicial proceedings, or to a private person, can be given in evidence against him, unless made under the influence of fear produced by threats, or unless made upon a stipulation of the District Attorney, that he shall not be prosecuted therefor; but is not sufficient to warrant his conviction without additional proof that the crime charged has been committed.

The trial of this case has occupied a comparatively brief period of time. The evidence in the case is not voluminous. It is of a character which the Court has every reason to believe you can readily retain in mind, and which the Court has reason to believe you have in mind, not merely from the circumstance that ^{the} trial did not last long, but from the circumstance that the Court noticed with great satisfaction the evident attention that you were giving to the testimony as given by the different witnesses who have appeared on the stand; and the Court has also reason to believe that the evidence in the case is well in your minds because of the painstaking marshaling and analysis of the evidence by the learned counsel who represented the

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defendant, and by the learned Assistant District Attorney representing the prosecution. The Court is not of opinion that it would serve any useful purpose to make even a brief summary or outline of the evidence as it is recollected by the Court, and such summary, therefore, will not be made. If, after you have retired to deliberate, ~~there should~~ arise among you a controversy or dispute as to what in point of fact a witness testified to regarding a particular matter, it will be your right to ask the captain having you in charge to bring you to the seats where you now are, where in the presence of the defendant, and in the presence of his counsel, and in the presence of Assistant District Attorney Wellman, and in the presence of the Court there may be read to you, for your better information, that part of the stenographer's minutes of the testimony respecting which such controversy or difference of opinion arose in the jury room.

THE COURT: (Addressing Counsel) Now, Gentlemen, I will feel obliged to you, if you have any requests, if you will kindly hand them up. Mr. Wellman, have you any?

MR. WELLMAN: I have but one request to make, your Honor, and that I have not written down.

THE COURT: Mr. Wellman, will you have the kindness just to embody it on a piece of paper?

MR. WELLMAN: Yes.

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(At this point Mr. Aranow hands up to the Court a list of requests to charge as follows:)

✓ "1; The defendant is presumed to be innocent until the contrary is established beyond a reasonable doubt.

✓ "2 The presumption of innocence is not a mere formality. Every juror is bound to entertain it conscientiously, sincerely, and ungrudgingly, without any mental reservation or evasion whatsoever, and to give to the defendant the full benefit of it.

✓ "3 The presumption of innocence is legal proof of innocence.

✓ "4 To overthrow this presumption of innocence, there must be legal evidence of guilt carrying home to the mind of every juror a degree of conviction short only of absolute certainty.

✓ "5 The facts proved must not only all be consistent with the theory of defendant's guilt; but they must each and every one of them be absolutely inconsistent with the theory of his innocence.

✓ "6 Before the defendant can be convicted, each and every element or ingredient of the crime of murder in the first degree must be established beyond a reasonable doubt.

✓ "7 That if any element or ingredient necessary to

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constitute the crime of murder in the first degree in the People's case, had not been established beyond a reasonable doubt, the defendant cannot be convicted.

✓ "8; If you can reconcile the evidence before you with any reasonable hypothesis consistent with the innocence of the accused, it is your duty to do so and find him not guilty.

✓ "9; If the conduct on the part of the defendant is equally susceptible of two opposite explanations, the jury is bound to assume it to be moral rather than immoral.

✓ "10; In deciding the question of reasonable doubt, which each juror must decide for himself, he must not allow his previous opinions or impressions to have the slightest influence to affect or impair or destroy a doubt which otherwise he would entertain upon the evidence.

✓ "11; Where a reasonable doubt of defendant's guilt is entertained by any one juror, the defendant cannot be found guilty.

✓ "12; A reasonable doubt is one which arises from the evidence and its character, or from the absence of satisfactory evidence in the case. The jury should have such a conviction of the defendant's guilt that a prudent man would feel safe to act upon the conviction in matters of the highest concern and importance to himself.

✓ "13; Each juror is entitled to decide for himself whether a doubt which he entertains is reasonable or not.

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If it appears reasonable to him, it is his duty to acquit the defendant.

✓ "14; In case of a reasonable doubt whether defendant's guilt is satisfactorily shown, he is entitled to an acquittal.

✓ "15; A reasonable doubt as to any element of the crime in the mind of any juror, entitles the defendant to an acquittal.

✓ "16; The defendant is not bound to explain his side of the case beyond a reasonable doubt.

✓ "17; Nor is he required to prove by convincing evidence, his innocence.

✓ "18; If the jury have a reasonable doubt concerning the intent of the defendant, it will be their duty to ~~acquit the defendant.~~ *find him guilty of Murder* *in the second degree* *note: (Exact copy of paper)*

✓ "19; If it appears that the defendant committed a crime, and there is reasonable ground or doubt in which of two or more degrees he is guilty, he can be convicted of the lowest of those degrees only.

✓ "20; The jury in determining the guilt or innocence of the defendant of the offense charged in the indictment, can consider only the evidence of the case, and are to disregard any statement made during the course of the trial by counsel to the court, not supported by evidence, and they are not to be influenced or governed by any

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expression of opinion or action of either the Court or counsel.

X "21; The doing of the act charged in the testimony on the part of the People in this case, does not raise a presumption that the acts were done with original intent.

"22 A; Before the jury can consider the confession as testimony against this defendant, they must find beyond a reasonable doubt, that the alleged confession was voluntarily made and proceeded from the spontaneous suggestion of the defendant's own mind, free from the influence of any extraneous disturbing cause, either real or apprehended.

✓ "22 B; If at the time defendant made his statement to the police officers or the assistant district attorney, he was under the influence of liquor to such an extent as to have been unconscious of what his words meant, the jury should disregard the statement.

✓ "22 C; That if any question of fact arises in the minds of the jury as to the voluntary character of the alleged confession of the defendant or that it was made under duress, fear, threats or menace, either by acts, words, circumstances or situation, either real or apprehended, then the jury should totally disregard the same.

✓ "22 D; That any statements made by a person charged with a crime are not conclusive as to the facts and undue weight should not be given to them by the jury; and they

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should be received with great caution and with great scrutiny on the part of the jury.

✓ "23 The jury cannot find defendant guilty of murder in the first degree, unless they find from the testimony, that not only was there an intention to kill; but also that there was a deliberate and premeditated design to kill, and such design must precede the killing by some appreciable space of time.

 "24; There can be no conviction of the defendants of the charge of murder in the first degree, unless it be proven beyond a reasonable doubt that there was deliberation and premeditation.

✓ "25; If the jury find that at the time of the infliction of the wounds upon the body of the deceased, that there was a positive intent on the part of this defendant to kill, and that without a premeditation and deliberation, the defendant cannot be convicted of murder in the first degree.

✓ "26; If the defendant inflicted one or more wounds in a sudden transport of passion, excited by what the deceased then said or did, and by preceding events which for the time disturbed his reasoning faculties and deprived him of the faculties to reflect, or while under the influence of some sudden and uncontrollable emotion, excited by the train of events which have been related, the act does not

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constitute murder in the first degree.

✓"27; If the jury finds that at the moment the wound was inflicted in consequence of what was said or done, and the final culmination of the alleged circumstances of which the defendant conceived himself to have been the victim, he became incapable of reasoning or of deliberating the act, the jury then cannot convict the defendant of murder in the first degree.

✓"28: The question whether or not at the time of the infliction of the wounds on the deceased, the mind of the defendant was in a condition to be capable of deliberating and reasoning, is one of fact for the jury to determine.

✓"29; If the jury believes that the wounds inflicted upon the deceased were occasioned by a sudden, rash, and though cruel, impulse, they cannot convict the defendant of murder in the first degree. It is not a deliberate intent.

✓"30; If the jury find that at the time of the shooting the defendant was intoxicated to such an extent that he was unable to intend the natural consequences of his act, he cannot be convicted of murder in the first degree.

✓"31; If the defendant, at the time of the shooting, was intoxicated to such an extent that his mind was incapable of reasoning and deliberating, he cannot be convicted.

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of murder in the first degree.

✓"32; If the defendant, at the time of the shooting, was so intoxicated as to be incapable of premeditating, he cannot be convicted of the crime charged in the indictment.

MR. ARANOW: I have numerous requests, if the Court please, but I don't think all of them --

THE COURT: Pardon me. I shall look through these. I do not care to hear any requests orally.

THE COURT: There are many of these propositions which the Court believes are entirely correct, but I think that they are sufficiently embodied in the charge as made, and therefore they are all declined, and to the refusal to charge, except as charged, and to the specific refusal to charge these various propositions, you have exceptions.

MR. ARANOW: I believe, if the Court please, a recent case has stated that a blanket exception as to requests will not lie unless they are made to each individual one.

THE COURT: I say you will be regarded as having thirty-two exceptions, which correspond with the number of requests you have submitted; that is to say, an exception to each one, because they are all declined, except as charged.

THE COURT: I am asked to charge as follows, Gentlemen, which I do:

"That the jury in determining the state of mind of

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the defendant at the time of the shooting may take into consideration not only the testimony of the witnesses who observed him, but the statements made by the defendant touching upon his own state of mind at that time."

THE COURT: You will arrive at the conclusion of what the state of mind of the defendant was at the time, from all the evidence in the case which is relevant to that issue.

THE COURT: Now, Gentlemen, you may retire.

(The jury retires at 6:45 p. m.)

THE COURT: I think there was an inadvertent omission brought to my attention by Mr. Wellman. The jury may be brought back into the room. I am very much obliged to you, Mr. Wellman.

(The jury returns at 6:46 p. m. The roll is called, and defendant is brought back to the court room.)

THE COURT: I am about to tell you, Gentlemen, the possible verdicts which may be rendered in this case, depending upon the view which you take of the evidence, in the light of the law as the law has been charged to you. You will understand that in mentioning those possible verdicts, it is a matter of necessity that they should be mentioned in a certain order; that is to say, one first, and finally one last, but you will draw no inference whatsoever from that circumstance that the Court intimates any

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Gallegos
opinion as to what your verdict should be. With that understanding you are now told that, dependent upon the view which you take of the evidence, in the light of the law as charged to you, the possible verdicts which may be rendered in this case are:

A verdict of guilty of murder in the first degree.

A verdict of guilty of murder in the second degree.

A verdict of guilty of manslaughter in the first degree, or

A verdict of not guilty.

Now, Gentlemen, you may retire.

(The jury retires at 6:49 p. m.)

(The jury returns at 10:06 p. m. The roll is called, and the defendant is present.)

THE CLERK OF THE COURT: Mr. Foreman, have you agreed upon a verdict?

THE FOREMAN OF THE JURY: We have not.

THE COURT: Mr. Foreman, I am in the receipt of a communication from you, which is headed "premeditation", and I believe that it reads as follows:

"Shall the fact that a person who premeditates a crime of killing, premeditate to kill a certain person and not any particular person?"

I am not entirely clear that I know what you mean by that question, but I assume that you have in mind this

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provision of Section 1044, which defines what it is that constitutes the crime of murder in its first degree, namely, the provision which says that the killing of a human being, unless it is excusable or justifiable, is murder in the first degree, when committed from a deliberate and premeditated design to effect the death of the person killed, or of another.

I construe that section to mean that if a person has such a premeditated and deliberated upon design to kill, for example "A", and thereupon kills "B", a person other than the one that he had intended to kill, he not being himself the person whom he intended to kill, that that section applies to such a case. I do not construe the language as applying to a case where the design to kill, deliberated and premeditated upon, was a design on the part of the person having it to kill himself. I take it that the question which you have submitted is put in the light of certain testimony given, I think, by the defendant as a witness in his own behalf, that if he was possessed of a design to kill, it was a design on his part to kill himself. I shall construe your silence, if you remain silent, as an indication that I have correctly interpreted the question which you desired to put to me.

I find that there is an additional request, on turning over the paper, and that is that the Section of

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the Penal Law relating to when intoxication is a defense be read to you. That is section 1220, and it is entitled

"Intoxication as a Defence." I will read it:

"No act committed by a person while in a state of voluntary intoxication, shall be deemed less criminal by reason of his having been in such condition. But whenever the actual existence of any particular purpose, motive or intent is a necessary element to constitute a particular species or degree of crime, the jury may take into consideration the fact that the accused was intoxicated at the time in determining the purpose, motive or intent with which he committed the act."

I will simply ask you whether you have understood, Mr. Foreman, what I have said.

THE FOREMAN: I have, yes, sir.

THE COURT: And as you understand the question as put, have I answered it?

THE FOREMAN OF THE JURY: Yes, sir.

THE COURT: Gentlemen you may retire.

(Whereupon the jury retires again to deliberate at 10:15 p. m.)

(The jury return at 10:40 p. m. Roll called and defendant present.)

THE CLERK OF THE COURT: Gentlemen, of the jury, have you agreed upon a verdict?

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THE FOREMAN OF THE JURY: We have.

THE CLERK OF THE COURT: How say you, do you find the defendant guilty or not guilty?

THE FOREMAN OF THE JURY: We find the defendant guilty as charged in the indictment, murder in the first degree.

THE CLERK OF THE COURT: Hearken to your verdict as it stands recorded. You say you find the defendant guilty as charged in the indictment, murder in the first degree, so say you all.

THE COURT: Do you want the jury polled?

MR. ARANOW: I think it would be the better course; I think it would be advisable.

(Whereupon the jury is polled, individually and consecutively from one to twelve, and each says that is his verdict.)

THE CLERK OF THE COURT: Hearken to your verdict as it stands recorded: you say you find the defendant guilty of murder in the first degree as charged in the indictment, and so say you all.

(Defendant's pedigree taken.)

MR. ARANOW: May I please ask, if the Court please, in regard to the motions, if the Court will allow me to make the motions at the time when sentence is imposed?

THE COURT: Yes, you may reserve all rights to make all the motions that you could make now, on the day of the imposition of sentence, if it is imposed, and I will make

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it a week from today. Is that agreeable?

MR. ARANOW: May I ask your Honor to please make it in a Thursday or Friday, by reason of my going to Albany?

THE COURT: Yes, I will make it on the 27th of January; that will be Thursday.

MR. ARANOW: I regret to again ask any favors, but the 27th is the Governor's reception, and I promised to be there at that time. If your Honor can make it on the 28th?

THE COURT: Yes, I will make it the 28th.

(Defendant remanded to January 28th, 1916, for sentence.)

CASE #2146

COURT OF GENERAL SESSIONS OF THE PEACE,
CITY AND COUNTY OF NEW YORK, PART V.

497

THE PEOPLE OF THE STATE OF NEW YORK, :
-against :
A L L E N B R A D F O R D . :
:

The defendant is indicted for murder in the first degree.

Indictment filed November 24, 1915.

New York, January 28th, 1916.

A p p e a r a n c e s :

For the People: ABRAHAM G. MEYER, ESQ., Assistant District
Attorney.

For Defendant: H. SALMON MILLER, ESQ.

The defendant is duly arraigned for sentence before

HON. THOMAS C. T. CRAIN, Judge.

MR. MILLER: Your Honor, I have tried to get in touch
with Mr. Thorne, but have been able to get him here.

Mr. Aranow is on his way down here from Albany. I do not
know how soon he will be here.

THE COURT: Counselor, will you kindly give me your
name.

MR. MILLER: H. Salmon Miller.

THE COURT: You are an attorney and counselor at law?

MR. MILLER: Yes.

THE COURT: You are from the office of Mr. Samuel

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Koenig?

MR. MILLER: And Frank Aranow.

THE COURT: Is Mr. Wellman in court?

THE CLERK OF THE COURT: He was here a few minutes ago, but I have sent for him.

THE COURT: Mr. Meyer, will you represent the District Attorney's office?

MR. MEYER: Your Honor, I move that judgment be now passed upon this defendant?

THE CLERK OF THE COURT: Allen Bradford, have you any legal cause to show why judgment of death should not be pronounced against you?

MR. MILLER: May it please the Court, defendant now moves for a new trial on the following grounds:

First, the Court in denying the defendant's motion to dismiss the indictment and to discharge the defendant from custody erred.

Second, that the verdict is contrary to law.

Third, that the verdict is clearly against the evidence.

Fourth, that the verdict is against the weight of evidence.

Fifth, because the Court erred in denying the defendant's motion to advise the jury to acquit at the conclusion of the People's case, and at the conclusion of the entire case.

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On the further ground that the Court at the trial admitted illegal and improper evidence against the defendant, over the objection of the defendant, and the defendant at the trial duly excepted to such admissions.

 On the further ground that the Court erred in failing to charge the jury that the acts of defendant disclosed upon the trial did not constitute murder in the first degree.

THE COURT: Your motions are denied, and you have an exception.

MR. MILLER: I take an exception to the denial of the motion, upon each and every ground, and upon all the grounds mentioned.

MR. MILLER: May it please the Court, defendant now moves in arrest of judgment as provided by Section 467 of the Code of Criminal Procedure.

THE COURT: That motion is denied, and you have an exception.

(Mr. Wellman appears.)

THE COURT: The judgment of the Court is that you Allen Bradford, for the murder in the first degree of Isabel Bradford, whereof you are convicted, be, and you hereby are, sentenced to the punishment of death; and it is ordered that, within ten days after this day's session of Court, the Sheriff of the County of New York deliver you, together with the warrant of this Court, to the Agent and

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Warden of the State Prison of the State of New York at Sing Sing, where you shall be kept in solitary confinement until the week beginning Monday, the sixth day of March, 1916, and, upon some day within the week so appointed, the said Agent and Warden of the State Prison of the State of New York at Sing Sing is commanded to do execution upon you, Allen Bradford, in the mode and manner prescribed by the laws of the State of New York.

Lutz,
Official stenographer.

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COURT OF GENERAL SESSIONS OF THE PEACE

CASES 2137 TO 2146

TRIAL TRANSCRIPTS

1883 - 1927

JOHN JAY COLLEGE

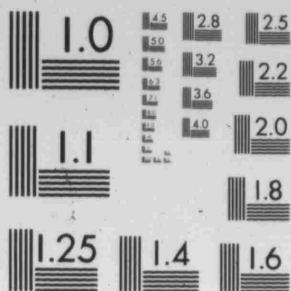
NEW YORK, NY



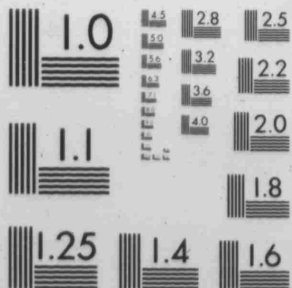
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